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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 19, 2010.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Reverend Dr. William Smith, Memorial Baptist Church, Arlington, Virginia, offered the following prayer:

Almighty God, we acknowledge and give thanks for the divine order of creation. We are grateful for natural law. We are grateful for revealed law. We are grateful for this Nation in which we live by the rule of law to establish justice for all our people.

Bless this Congress and all the lawmakers who serve our Nation. We pray, too, for those who have the responsibility to enforce law and those charged with the duty of adjudication of law. May all of them, working together, make us a more perfect Union.

We offer ourselves and our work to You. We confess that even at our best, we need Your gracious providence. Guide us. Forgive us. Sustain us.

For Yours is the kingdom and the power and glory forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Kansas (Ms. JENKINS) come forward and lead the House in the Pledge of Allegiance.

Ms. JENKINS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 5014. An act to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 736. An act to provide for improvements in the Federal hiring process, and for other purposes.

The message also announced that pursuant to Public Law 106–567, the Chair, on behalf of the Minority Leader, appoints the following individual to serve as a member of the Public Interest Declassification Board:

William A. Burck of the District of Columbia.

WELCOMING REVEREND DR. WILLIAM SMITH

The SPEAKER pro tempore. Without objection, the gentleman from Texas, Congressman CULBERSON, is recognized for 1 minute.

There was no objection.

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

Mr. CULBERSON. Mr. Speaker and Members, born in Kentucky, Dr. William H. Smith has pastored Memorial Baptist Church in Arlington, Virginia, for the past 19 years. He preached his first sermon there on Father's Day, 1991, which was appropriate as he and his wife, Judy Bracewell Smith, who hails from my hometown of Houston, Texas, are the proud parents of Justin, a physician; Luke, a pastor; and Jason, a surgeon. His family also includes Justin's wife, Mairin, and their precious daughter, Adelaide, Bill and Judy's first grandchild. Bill's parents, Anna and Henry Smith, were powerful models of a Christian home for Bill and his brother, Andre. The students at the Leland Center for Theological Studies where he teaches biblical studies call him Professor. His granddaughter, Adelaide, calls him Pal. And I am proud to call him my teacher and friend.

May God bless you always, Bill and Judy.

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.

WHERE ARE THE JOBS?

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

Mr. KILDEE. Mr. Speaker, I rise today in response to the Chamber of Commerce's recent claim that U.S. free trade agreements have supported 5.4 million jobs. I want someone to show those jobs to me because they certainly aren't in Michigan or my district. Michigan has the highest unemployment in the country. In my hometown of Flint, Michigan, the unemployment rate is nearly 30 percent. At one time, we had nearly 80,000 auto jobs. Now we have about 6,000.

With every free trade agreement, we continue to send more jobs overseas

and put American workers at a greater disadvantage. Come to my district and I will show you the empty fields that used to employ thousands of American workers before NAFTA, which I opposed. Our trade policy might help create jobs and improve the quality of life for workers in other countries but not in the United States.

PIRATES OF THE LAKE

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

Mr. POE of Texas. Mr. Speaker, Falcon Lake in Zapata County, Texas, is one of the best bass fishing spots in the United States. The lake is an international boundary between Texas and Mexico. That piece of paradise has been intruded on this month by the lawlessness seeping over from the Mexican border. In two separate incidents, U.S. fishermen have been robbed at gunpoint on Falcon Lake by Mexican pirates who held AR–15 rifles to their heads. In one holdup, an American fisherman was robbed of all of his money. In the other pirate raid, fishermen were robbed of their boat, their money and left naked on the Mexican shore. The pirates were in a commercial fishing boat, dressed in black paramilitary garb carrying automatic weapons.

What are these pirates doing on Falcon Lake? Are they moving drugs or people or worse across the water? We don't know. In the 1800s, Thomas Jefferson sent the Navy to protect Americans from pirates in the Mediterranean. This administration is blissfully silent about the pirates on Falcon Lake. Meanwhile, the border war continues.

And that's just the way it is.

WHERE ARE THE JOBS?

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

Mr. MICHAUD. Mr. Speaker, in response to the Chamber of Commerce's recently released report that claims U.S. free trade agreements have supported 5.4 million jobs, I have only one thing to say: Not in my district. Since January of 1994, employment in the manufacturing industry in Maine has declined by nearly 40 percent. Just ask the Mainers who used to work at Knight C-Low-Tex in Lisbon Falls or those that used to work at Allen Edmonds Shoe Corporation in Lewiston. The Department of Labor recently certified them to receive trade adjustment assistance, proof that their jobs were lost as a result of our failed trade policies. Our U.S. trade policies might create jobs for big corporations based in Washington, D.C., but it takes them away from middle-class families in Maine.

SHORT LINE RAILROAD TAX CREDIT

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

Ms. JENKINS. Short line railroads located in my district, including those in Chanute, Pittsburg and Humboldt, serve a critical role in transporting grain, cement products, steel and other industrial-based products to the national freight rail network. The short line tracks in Kansas and across the Nation have benefited from the section 45(g) short line railroad tax credit which expired at the end of 2009. Without this credit, short line railroads would lose critical resources used to upgrade infrastructure or create jobs, and rural businesses would not have the rail services they need to compete. That's why we must find a responsible way to extend the tax credit, like H.R. 1132, that would extend it until 2012.

I urge all of my colleagues to support this important legislation to ensure short line railroads continue to thrive and provide valuable services on Main Streets across America.

CANCEL ALL FEDERAL CONTRACTS WITH BRITISH PETROLEUM

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

Mr. GUTIERREZ. Yesterday I urged my colleagues to stop drilling leases from going to BP. We need action now. If Congress can stop BP from receiving government leases, then BP can and should stand for Banned Permanently.

But why stop here? We must go further. Today I urge my colleagues to join me to cancel all Federal contracts with BP. How much money are we talking about? In 2009 alone, the Department of Defense paid at least $1.5 billion to BP—$1.5 billion with a B. In other words, big profits for them.

We need to audit and to stop our taxpayer dollars from going to BP, a company pumping millions of barrels of black poison into our water and towards our shores. Let's ban permanently BP's black poison and eliminate BP's big profits along with their British pollution.

VALUE-ADDED TAX

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

Mr. GUTHRIE. Mr. Speaker, about 1 month ago was Tax Day, the day that hardworking Americans sent their money to Washington. And sadly, the President and the Democrat majority in Congress continue to advocate for policies that increase taxes and add more government spending, both of which are already out of control. President Obama has refused to renounce the idea of forcing a value-added tax on the American people, and his economic team has already run the numbers. The value-added tax is essentially just a national sales tax that hits everyone who buys any goods, which will cost American families thousands of dollars. This European-style tax wouldn't replace income taxes in this country—it would be on top of them. It's time for Congress to put the American people first and simplify a complicated and overreaching tax code. The American people know that we can't spend and tax our way back to a growing economy.

COMPREHENSIVE IMMIGRATION REFORM

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

Mr. BACA. Congress is elected to solve difficult Federal problems, not walk away from them year after year. Health care reform was a difficult Federal problem with many months of debate and difficult votes, but we did it. Immigration reform is also a difficult Federal problem. At this moment, families are being torn apart. Children and parents live in fear of not seeing each other at the end of the day. In fact, there are cases where our own soldiers are returning from serving overseas, only to find their spouses deported.

Where Congress comes up short, States like Arizona are in full speed, enacting misguided laws like SB 1070 that are inspired by hate and racism. This bill hurts everyone who looks different, whether they're an American citizen, lawful immigrant, or undocumented immigrant. It violates our civil rights. The question now is, Is Congress willing to work together in a bipartisan fashion to fix a system that is broken? Families across America have waited long enough for immigration reform. We must deliver just like we have on health care reform.

FOREIGN-HELD DEBT

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

Mr. SAM JOHNSON of Texas. Last week we learned that Uncle Sam ran up the largest deficit for April ever. Equally alarming is that our deficit is being financed by countries such as China, our biggest holder of U.S. Government debt. Equally important, a former Chinese military official recently suggested the Chinese should consider dumping U.S. treasuries in response to the recent Pentagon decision to sell defensive weapon systems to Taiwan.

To raise awareness of the threat to our economy and national security of our exploding deficit and debt, yesterday I introduced the Foreign-Held Debt Transparency and Threat Assessment Act. This bill would require a better

accounting of debt held by foreign countries and, more importantly, require the President to submit a plan to cut spending should either a particular foreign creditor or the overall debt pose a risk to the national security interests of America. We must not let any other country hold our national and economic interests hostage.

SMALL BUSINESSES NEED CREDIT

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

Mrs. MALONEY. Mr. Speaker, the Joint Economic Committee released a report this week that looks at how tighter credit standards have hit small businesses especially hard. That means that now, even as big and mid-sized businesses have begun adding jobs once again, small businesses are struggling to expand and put Americans back to work. Small businesses are rightly considered to be the great engine of the American economy. Seventy-five percent of all employees work for businesses with less than 250 employees. And if small businesses are the engine, then credit is the fuel that keeps that engine going. While large and mid-sized firms have multiple funding sources, including the public debt market, small businesses rely almost completely on financial institutions. Improving credit availability to small businesses will help to grow our economy and create jobs. That is why the Financial Services Committee today is working on legislation to create a small business loan fund. It's an investment in America that is truly worthy of a AAA rating.

□ 1015

PASS AMERICA COMPETES ACT

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

Mr. EHLERS. Mr. Speaker, it is a pleasure to be here today, and especially a pleasure to follow my good friend, the gentleman from Texas (Mr. SAM JOHNSON), who gave us an eloquent warning about what can happen in view of our mounting national debt and the countries that we owe the money to.

If anyone wishes to know more about this, I recommend to you the writings of Mallory Factor, who has written several good pieces on that topic recently. I hope to organize a 1-hour discussion of his writings at some time.

I also want to raise another issue which addresses this problem. One of the first bills to come up today is rewriting and revamping the America COMPETES Act. The original act was generated by President George W. Bush. I had the pleasure of working with the White House and the Office of Management and Budget on that bill, and I believe it is beginning to achieve its objectives, including strengthening American manufacturing. If we do not improve our manufacturing sector in the United States of America, we will continue to borrow more and more and more money from other countries. It is imperative that we pass the America COMPETES Act. If you don't like this bill for some reason, let's change it; but we must pass it, otherwise we will continue to be a debtor Nation over and over again.

GOVERNMENT TRANSPARENCY

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

Mr. QUIGLEY. Mr. Speaker, the public's trust in government is near an all-time low. According to a recent CBS/New York Times survey, only 19 percent of the people said they trust the government to do what is right. This deficit of trust is not inconsequential. Without the public's trust, we cannot effectively govern; but we can rebuild this lost confidence by opening up the government and making its inner workings more transparent.

I recently introduced H.R. 4983, the Transparency in Government Act, a bill that calls for unprecedented government transparency. H.R. 4983 increases disclosures from lobbyists and lawmakers, creates the first centralized earmark database, and improves oversight of Federal contracts.

As Supreme Court Justice Louis Brandeis said: Sunlight is the best of disinfectants. And at a time when the public's trust in government is perilously low, we could use a bit of sunlight.

And go, Black Hawks.

WASHINGTON, WAKE UP

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

Ms. KAPTUR. Mr. Speaker, how many millions of more jobs have to be outsourced before Washington wakes up? It makes you wonder if the recently released report by the U.S. Chamber of Commerce is some sort of a cruel joke. It claims that U.S. trade agreements have supported 5.4 million jobs. Are we talking about the same country?

Take Ohio: Since 1994, employment just in the manufacturing sector has declined by one-third. Companies like Silgan Holdings, Delphi, Georgia Pacific, GM, Dixon Ticonderoga, and Champion Spark Plug all have moved to Mexico.

Remember when NAFTA promised us the promised land, claiming we would get millions of new jobs and the standard of living would rise? What we got was the giant sucking sound, more jobs going out and a cumulative trade deficit of $1 trillion to this country as a result of NAFTA. The deficits from NAFTA and NAFTA-like trade agreements have caused our great manufacturing Nation to wither as our workers and companies are asked to compete against state-managed capitalism in places like Mexico, China and Japan.

It is time to wake up, stand up for this country and renegotiate those agreements that keep moving our jobs offshore.

SALUTING JACKSON NORTHEAST ELEMENTARY SCHOOL

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

Mr. SCHAUER. Mr. Speaker, today I salute Jackson Northeast Elementary School students. I was with them last Tuesday when they presented a flowering plum tree and a plaque at the Jackson Police Station in memory of city police officer James Bonneau who was shot and killed in the line of duty on March 6 while responding to a domestic call. Blackman Township officer Darin McIntosh was also shot and injured in this incident.

On their own, these students raised $210 for this project. The students also presented handmade quilts to Chief Matt Heins for the family of Officer Bonneau.

Jackson Northeast Elementary students demonstrated that every person can make a difference no matter their age or size. They reminded my community and our Nation that Officers Bonneau and McIntosh are heroes and so are all men and women in uniform who report to work every day to keep us safe.

Thank you Northeast Elementary students for setting an example for all of us to follow.

NEW DIRECTION FOR AMERICA

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

Ms. WATSON. Mr. Speaker, research by USA Today shows Americans are paying the lowest tax rates since the 1950s. On May 7, the Department of Labor reported that 290,000 jobs were added in April, a larger than expected increase and the largest gain since March of 2006.

This is the fourth consecutive month of job growth with 573,000 jobs added since December. In March, sales of new homes surged nearly 27 percent to 411,000 annual rate. Over the last 3 months, we have added an average of 187,000 per month.

Democrats' action on jobs resulted in the HIRE Act, a bipartisan bill to create 300,000 jobs with tax incentives for businesses that hire unemployed Americans, and the American Workers, State and Business Relief Act which has given incentives for new jobs.

RECONCILIATION WITH, NOT EXPLOITATION OF, THE NATURAL WORLD

(Mr. KUCINICH asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the Creator gave us a paradise; and we, appropriating the power of nature's God, are turning our planet into a smoking, glowing, oily mess, through plundering Mother Earth of her treasures and through refusing to recognize the growing evidence that our reliance on oil, coal, and nuclear threatens our health, our security, our economy, our Nation and the world.

It is not as though there are no alternatives. Markets and industries have conspired for years to shelve the massive introduction of wind and solar technologies. Thousands of barrels of oil each day billow from the ocean floor, covering nearly 20 percent of the gulf, heading towards the Florida Keys and the Atlantic coast.

Must we wait until all coastal areas are ruined, all fish, all birds, all animals are injured and killed before we realize that drilling presents a threat to the fragile ecology of life?

We cannot afford to passively witness the destruction of our natural environment because written in the oily sands of the gulf is the degrading of all life on the planet. Our world exists through fragile interconnected systems of life. Our survival depends upon reconciliation with, not exploitation of, the natural world.

COMPREHENSIVE FINANCIAL REFORM

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

Mr. WILSON of Ohio. Mr. Speaker, under the leadership of this Congress, my colleagues and I are working nonstop to help Americans that have been struggling with unemployment, failing businesses, and falling home prices. One of our most important tools to ensure our country's recovery is fixing our banking system. Comprehensive regulation reform will protect American consumers and restore commonsense rules to help keep an American crisis like the one we faced this past year from happening again.

For too long, executives on Wall Street bent the rules and dodged the regulations. Basically, reforming Wall Street will mean a return to classic American values. If you work hard and play by the rules, you will be rewarded. We will quite simply put an end to taxpayer-funded bailouts.

I have often said it is hard to play a fair game without a referee on the field, and that is exactly what we are going to do now, is put a referee on Wall Street. I urge my colleagues to work for comprehensive financial reform.

DEVASTATING OIL SPILL

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

Mr. DEUTCH. Mr. Speaker, fishing has been barred from one-fifth of the Gulf of Mexico. That is 29 million acres off limits to the American citizens who rely upon the seafood industry to support their families. Globs of oil called ''tar balls'' have landed in the Florida Keys, a warning of the threats to Florida's vibrant tourism industry. The consequences of this devastating oil spill will not be felt by Democrats or Republicans, but by all Americans, and for years to come.

The oil spill cleanup could cost more than $14 billion; but today oil companies are required only to pay a measly $75 million toward those damages. For that reason, it is outrageous to see legislation forcing BP to pay for this mess fail once again on partisan lines.

Most shops have a long-recognized policy: you break it; you buy it. The same should apply to oil companies.

I urge my Republican colleagues to join a bipartisan effort protecting taxpayers from a massive bailout of the oil industry. It is time to worry less about oil company profits and more about the American people.

ENOUGH IS ENOUGH

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

Mr. CARNAHAN. Mr. Speaker, enough is enough. My constituents in Missouri have had enough excuses and delays from big banks and Wall Street. That is why my Democratic colleagues and I have been fighting for commonsense regulatory reform and consumer protections, holding big banks accountable for their actions and ensuring that the crash like we experienced in 2008 never happens again.

Wall Street reform, which has passed this House, implements protections for consumers so that big banks can no longer gamble with America's economy like it was their own private casino. Bailouts would be a thing of the past.

Before and since this recession, Republicans have repeatedly sided with big banks and Wall Street over consumers, stable community banks, and Main Street. Now is the time to hold big banks accountable, no more standing in the way. Now is the time for comprehensive financial regulatory reform with strong consumer protections. Enough is enough.

CHARTING NEW COURSE FOR ECONOMIC FUTURE

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

Ms. RICHARDSON. Mr. Speaker, I rise to talk about the American people today. They are some of the most resilient people in the world. But over the last 2 years, even the most optimistic individual has been fearful. Just 2 years ago, we were losing 727,000 jobs a month. The stock market dropped 3,000 points, making 401(k) plans look like 201(k)s, and we feared for the next generation, that they would have enough money to live on. But what a difference a year makes.

The Democratic Congress, working with the new Obama administration, has moved in a new direction, first of all by passing the Recovery Act. Instead of losing jobs, we have been gaining jobs. Since passing the Recovery Act, the stock market has risen dramatically, real estate is coming back, and home sales are coming back. When you look at the job growth, it is going up again.

These are the changes, and these are the differences that we can see that are facts and not fiction.

□ 1030

CONSUMER FINANCIAL PROTECTION

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

Mr. ELLISON. Mr. Speaker, consumer financial protection is not a punishment to business. It is a level playing field so that consumers and businesses who want to transact a fair deal can do so. Consumer financial protection, which is in the financial reform bill, will allow consumers and lenders who want to do a fair deal to get rid of the fine print, the hidden fees, the tricky terms that landed our economy in such an awful condition.

We're climbing out. We're addressing the issues that affect the American people, and we're doing it now. The fact is that we want to see good lenders stay good; lenders who want to have clear terms, well disclosed, underwritten to make sure the consumers can pay that money back, and what we want to see in this economy. And people who want to have fine terms, funny terms, tricky terms or hidden fees will not be able to do that. Our economy will be better for it. It will be stable, transparent, and clear, and we will see continued economic growth in the American economy once we pass consumer financial protection.

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.

AMERICA COMPETES REAUTHORIZATION ACT OF 2010

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5325) to invest in

innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5325

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''America COMPETES Reauthorization Act of 2010''.

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

TITLE I—SCIENCE AND TECHNOLOGY POLICY

Subtitle A—National Nanotechnology Initiative Amendments

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''National Nanotechnology Initiative Amendments Act of 2010''.

SEC. 102. NATIONAL NANOTECHNOLOGY PROGRAM AMENDMENTS.

The 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501 et seq.) is amended—

(1) by striking section 2(c)(4) and inserting the following new paragraph:

''(4) develop, within 12 months after the date of enactment of the National Nanotechnology Initiative Amendments Act of 2010, and update every 3 years thereafter, a strategic plan to guide the activities described under subsection (b) that specifies near-term and long-term objectives for the Program, the anticipated time frame for achieving the near-term objectives, and the metrics to be used for assessing progress toward the objectives, and that describes—

''(A) how the Program will move results out of the laboratory and into applications for the benefit of society, including through cooperation and collaborations with nanotechnology research, development, and technology transition initiatives supported by the States;

''(B) how the Program will encourage and support interdisciplinary research and development in nanotechnology; and

''(C) proposed research in areas of national importance in accordance with the requirements of section 105 of the National Nanotechnology Initiative Amendments Act of 2010;'';

(2) in section 2—

(A) in subsection (d)—

(i) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(ii) by inserting the following new paragraph before paragraph (2), as so redesignated by clause (i) of this subparagraph:

''(1) the Program budget, for the previous fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to subsection (b)(10);''; and

(B) by inserting at the end the following new subsection:

''(e) STANDARDS SETTING.—The agencies participating in the Program shall support the activities of committees involved in the development of standards for nanotechnology and may reimburse the travel costs of scientists and engineers who participate in activities of such committees.'';

(3) by striking section 3(b) and inserting the following new subsection:

''(b) FUNDING.—(1) The operation of the National Nanotechnology Coordination Office shall be supported by funds from each agency participating in the Program. The portion of such Office's total budget provided by each agency for each fiscal year shall be in the same proportion as the agency's share of the total budget for the Program for the previous fiscal year, as specified in the report required under section 2(d)(1).

''(2) The annual report under section 2(d) shall include—

''(A) a description of the funding required by the National Nanotechnology Coordination Office to perform the functions specified under subsection (a) for the next fiscal year by category of activity, including the funding required to carry out the requirements of section 2(b)(10)(D), subsection (d) of this section, and section 5;

''(B) a description of the funding required by such Office to perform the functions specified under subsection (a) for the current fiscal year by category of activity, including the funding required to carry out the requirements of subsection (d); and

''(C) the amount of funding provided for such Office for the current fiscal year by each agency participating in the Program.'';

(4) by inserting at the end of section 3 the following new subsection:

''(d) PUBLIC INFORMATION.—(1) The National Nanotechnology Coordination Office shall develop and maintain a database accessible by the public of projects funded under the Environmental, Health, and Safety, the Education and Societal Dimensions, and the Nanomanufacturing program component areas, or any successor program component areas, including a description of each project, its source of funding by agency, and its funding history. For the Environmental, Health, and Safety program component area, or any successor program component area, projects shall be grouped by major objective as defined by the research plan required under section 103(b) of the National Nanotechnology Initiative Amendments Act of 2010. For the Education and Societal Dimensions program component area, or any successor program component area, the projects shall be grouped in subcategories of—

''(A) education in formal settings;

''(B) education in informal settings;

''(C) public outreach; and

''(D) ethical, legal, and other societal issues.

''(2) The National Nanotechnology Coordination Office shall develop, maintain, and publicize information on nanotechnology facilities supported under the Program, and may include information on nanotechnology facilities supported by the States, that are accessible for use by individuals from academic institutions and from industry. The information shall include at a minimum the terms and conditions for the use of each facility, a description of the capabilities of the instruments and equipment available for use at the facility, and a description of the technical support available to assist users of the facility.'';

(5) in section 4(a)—

(A) by striking ''or designate'';

(B) by inserting ''as a distinct entity'' after ''Advisory Panel''; and

(C) by inserting at the end ''The Advisory Panel shall form a subpanel with membership having specific qualifications tailored to enable it to carry out the requirements of subsection (c)(7).'';

(6) in section 4(b)—

(A) by striking ''or designated'' and ''or designating''; and

(B) by adding at the end the following: ''At least one member of the Advisory Panel shall be an individual employed by and representing a minority-serving institution.'';

(7) by amending section 5 to read as follows:

''SEC. 5. TRIENNIAL EXTERNAL REVIEW OF THE NATIONAL NANOTECHNOLOGY PROGRAM.

''(a) IN GENERAL.—The Director of the National Nanotechnology Coordination Office shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a triennial review of the Program. The Director shall ensure that the arrangement with the National Research Council is concluded in order to allow sufficient time for the reporting requirements of subsection (b) to be satisfied. Each triennial review shall include an evaluation of the—

''(1) research priorities and technical content of the Program, including whether the allocation of funding among program component areas, as designated according to section 2(c)(2), is appropriate;

''(2) effectiveness of the Program's management and coordination across agencies and disciplines, including an assessment of the effectiveness of the National Nanotechnology Coordination Office;

''(3) Program's scientific and technological accomplishments and its success in transferring technology to the private sector; and

''(4) adequacy of the Program's activities addressing ethical, legal, environmental, and other appropriate societal concerns, including human health concerns.

''(b) EVALUATION TO BE TRANSMITTED TO CONGRESS.—The National Research Council shall document the results of each triennial review carried out in accordance with subsection (a) in a report that includes any recommendations for ways to improve the Program's management and coordination processes and for changes to the Program's objectives, funding priorities, and technical content. Each report shall be submitted to the Director of the National Nanotechnology Coordination Office, who shall transmit it to the Advisory Panel, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives not later than September 30 of every third year, with the first report due September 30, 2010.

''(c) FUNDING.—Of the amounts provided in accordance with section 3(b)(1), the following amounts shall be available to carry out this section:

''(1) $500,000 for fiscal year 2010.

''(2) $500,000 for fiscal year 2011.

''(3) $500,000 for fiscal year 2012.''; and

(8) in section 10—

(A) by amending paragraph (2) to read as follows:

''(2) NANOTECHNOLOGY.—The term 'nanotechnology' means the science and technology that will enable one to understand, measure, manipulate, and manufacture at the nanoscale, aimed at creating materials, devices, and systems with fundamentally new properties or functions.''; and

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

''(7) NANOSCALE.—The term 'nanoscale' means one or more dimensions of between approximately 1 and 100 nanometers.''.

SEC. 103. SOCIETAL DIMENSIONS OF NANOTECHNOLOGY.

(a) COORDINATOR FOR SOCIETAL DIMENSIONS OF NANOTECHNOLOGY.—The Director of the Office of Science and Technology Policy shall designate an associate director of the Office of Science and Technology Policy as the Coordinator for Societal Dimensions of Nanotechnology. The Coordinator shall be responsible for oversight of the coordination, planning, and budget prioritization of activities required by section 2(b)(10) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(10)). The Coordinator shall, with the assistance of appropriate senior officials of the agencies funding activities within the Environmental, Health, and Safety and the Education and Societal Dimensions program component areas of the Program, or any successor program component areas, ensure that the requirements of such section 2(b)(10) are satisfied. The responsibilities of the Coordinator shall include—

(1) ensuring that a research plan for the environmental, health, and safety research activities required under subsection (b) is developed, updated, and implemented and that the plan is responsive to the recommendations of the subpanel of the Advisory Panel established under section 4(a) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7503(a)), as amended by this subtitle;

(2) encouraging and monitoring the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary to ensure that the ethical, legal, environmental, and other appropriate societal concerns related to nanotechnology, including human health concerns, are addressed under the Program, including the implementation of the research plan described in subsection (b); and

(3) encouraging the agencies required to develop the research plan under subsection (b) to identify, assess, and implement suitable mechanisms for the establishment of public-private partnerships for support of environmental, health, and safety research.

(b) RESEARCH PLAN.—

(1) IN GENERAL.—The Coordinator for Societal Dimensions of Nanotechnology shall convene and chair a panel comprised of representatives from the agencies funding research activities under the Environmental, Health, and Safety program component area of the Program, or any successor program component area, and from such other agencies as the Coordinator considers necessary to develop, periodically update, and coordinate the implementation of a research plan for this program component area. In developing and updating the plan, the panel convened by the Coordinator shall solicit and be responsive to recommendations and advice from—

(A) the subpanel of the Advisory Panel established under section 4(a) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7503(a)), as amended by this subtitle; and

(B) the agencies responsible for environmental, health, and safety regulations associated with the production, use, and disposal of nanoscale materials and products.

(2) DEVELOPMENT OF STANDARDS.—The plan required under paragraph (1) shall include a description of how the Program will help to ensure the development of—

(A) standards related to nomenclature associated with engineered nanoscale materials;

(B) engineered nanoscale standard reference materials for environmental, health, and safety testing; and

(C) standards related to methods and procedures for detecting, measuring, monitoring, sampling, and testing engineered nanoscale materials for environmental, health, and safety impacts.

(3) COMPONENTS OF PLAN.—The plan required under paragraph (1) shall, with respect to activities described in paragraphs (1) and (2)—

(A) specify near-term research objectives and long-term research objectives;

(B) specify milestones associated with each near-term objective and the estimated time and resources required to reach each milestone;

(C) with respect to subparagraphs (A) and (B), describe the role of each agency carrying out or sponsoring research in order to meet the objectives specified under subparagraph (A) and to achieve the milestones specified under subparagraph (B);

(D) specify the funding allocated to each major objective of the plan and the source of funding by agency for the current fiscal year; and

(E) estimate the funding required for each major objective of the plan and the source of funding by agency for the following 3 fiscal years.

(4) TRANSMITTAL TO CONGRESS.—The plan required under paragraph (1) shall be submitted not later than 60 days after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives.

(5) UPDATING AND APPENDING TO REPORT.—The plan required under paragraph (1) shall be updated annually and appended to the report required under section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)).

(c) NANOTECHNOLOGY PARTNERSHIPS.—

(1) ESTABLISHMENT.—As part of the program authorized by section 9 of the National Science Foundation Authorization Act of 2002, the Director of the National Science Foundation shall provide 1 or more grants to establish partnerships as defined by subsection (a)(2) of that section, except that each such partnership shall include 1 or more businesses engaged in the production of nanoscale materials, products, or devices. Partnerships established in accordance with this subsection shall be designated as ''Nanotechnology Education Partnerships''.

(2) PURPOSE.—Nanotechnology Education Partnerships shall be designed to recruit and help prepare secondary school students to pursue postsecondary level courses of instruction in nanotechnology. At a minimum, grants shall be used to support—

(A) professional development activities to enable secondary school teachers to use curricular materials incorporating nanotechnology and to inform teachers about career possibilities for students in nanotechnology;

(B) enrichment programs for students, including access to nanotechnology facilities and equipment at partner institutions, to increase their understanding of nanoscale science and technology and to inform them about career possibilities in nanotechnology as scientists, engineers, and technicians; and

(C) identification of appropriate nanotechnology educational materials and incorporation of nanotechnology into the curriculum for secondary school students at one or more organizations participating in a Partnership.

(3) SELECTION.—Grants under this subsection shall be awarded in accordance with subsection (b) of such section 9, except that paragraph (3)(B) of that subsection shall not apply.

(d) UNDERGRADUATE EDUCATION PROGRAMS.—

(1) ACTIVITIES SUPPORTED.—As part of the activities included under the Education and Societal Dimensions program component area, or any successor program component area, the Program shall support efforts to introduce nanoscale science, engineering, and technology into undergraduate science and engineering education through a variety of interdisciplinary approaches. Activities supported may include—

(A) development of courses of instruction or modules to existing courses;

(B) faculty professional development; and

(C) acquisition of equipment and instrumentation suitable for undergraduate education and research in nanotechnology.

(2) COURSE, CURRICULUM, AND LABORATORY IMPROVEMENT AUTHORIZATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out activities described in paragraph (1) through the Course, Curriculum, and Laboratory Improvement program from amounts authorized under section 7002(c)(2)(B) of the America COMPETES Act, $5,000,000 for fiscal year 2010.

(3) ADVANCED TECHNOLOGY EDUCATION AUTHORIZATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out activities described in paragraph (1) through the Advanced Technology Education program from amounts authorized under section 7002(c)(2)(B) of the America COMPETES Act, $5,000,000 for fiscal year 2010.

(e) INTERAGENCY WORKING GROUP.—The National Science and Technology Council shall establish under the Nanoscale Science, Engineering, and Technology Subcommittee an Education Working Group to coordinate, prioritize, and plan the educational activities supported under the Program.

(f) SOCIETAL DIMENSIONS IN NANOTECHNOLOGY EDUCATION ACTIVITIES.—Activities supported under the Education and Societal Dimensions program component area, or any successor program component area, that involve informal, precollege, or undergraduate nanotechnology education shall include education regarding the environmental, health and safety, and other societal aspects of nanotechnology.

(g) REMOTE ACCESS TO NANOTECHNOLOGY FACILITIES.—(1) Agencies supporting nanotechnology research facilities as part of the Program shall require the entities that operate such facilities to allow access via the Internet, and support the costs associated with the provision of such access, by secondary school students and teachers, to instruments and equipment within such facilities for educational purposes. The agencies may waive this requirement for cases when particular facilities would be inappropriate for educational purposes or the costs for providing such access would be prohibitive.

(2) The agencies identified in paragraph (1) shall require the entities that operate such nanotechnology research facilities to establish and publish procedures, guidelines, and conditions for the submission and approval of applications for the use of the facilities for the purpose identified in paragraph (1) and shall authorize personnel who operate the facilities to provide necessary technical support to students and teachers.

SEC. 104. TECHNOLOGY TRANSFER.

(a) PROTOTYPING.—

(1) ACCESS TO FACILITIES.—In accordance with section 2(b)(7) of 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(7)), the agencies supporting nanotechnology research facilities as part of the Program shall provide access to such facilities to companies for the purpose of assisting the companies in the development of prototypes of nanoscale products, devices, or processes (or products, devices, or processes enabled by nanotechnology) for determining proof of concept. The agencies shall publicize the availability of these facilities and encourage their use by companies as provided for in this section.

(2) PROCEDURES.—The agencies identified in paragraph (1)—

(A) shall establish and publish procedures, guidelines, and conditions for the submission and approval of applications for use of nanotechnology facilities;

(B) shall publish descriptions of the capabilities of facilities available for use under this subsection, including the availability of technical support; and

(C) may waive recovery, require full recovery, or require partial recovery of the costs associated with use of the facilities for projects under this subsection.

(3) SELECTION AND CRITERIA.—In cases when less than full cost recovery is required pursuant to paragraph (2)(C), projects provided access to nanotechnology facilities in accordance with this subsection shall be selected through a competitive, merit-based process, and the criteria for the selection of such projects shall include at a minimum—

(A) the readiness of the project for technology demonstration;

(B) evidence of a commitment by the applicant for further development of the project to full commercialization if the proof of concept is established by the prototype; and

(C) evidence of the potential for further funding from private sector sources following the successful demonstration of proof of concept.

The agencies may give special consideration in selecting projects to applications that are relevant to important national needs or requirements.

(b) USE OF EXISTING TECHNOLOGY TRANSFER PROGRAMS.—

(1) PARTICIPATING AGENCIES.—Each agency participating in the Program shall—

(A) encourage the submission of applications for support of nanotechnology related projects to the Small Business Innovation Research Program and the Small Business Technology Transfer Program administered by such agencies; and

(B) through the National Nanotechnology Coordination Office and within 6 months after the date of enactment of this Act, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives—

(i) the plan described in section 2(c)(7) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(7)); and

(ii) a report specifying, if the agency administers a Small Business Innovation Research Program and a Small Business Technology Transfer Program—

(I) the number of proposals received for nanotechnology related projects during the

current fiscal year and the previous 2 fiscal years;

(II) the number of such proposals funded in each year;

(III) the total number of nanotechnology related projects funded and the amount of funding provided for fiscal year 2004 through fiscal year 2008; and

(IV) a description of the projects identified in accordance with subclause (III) which received private sector funding beyond the period of phase II support.

(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—The Director of the National Institute of Standards and Technology in carrying out the requirements of section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) shall—

(A) in regard to subsection (d) of that section, encourage the submission of proposals for support of nanotechnology related projects; and

(B) in regard to subsection (g) of that section, include a description of how the requirement of subparagraph (A) of this paragraph is being met, the number of proposals for nanotechnology related projects received, the number of such proposals funded, the total number of such projects funded since the beginning of the Technology Innovation Program, and the outcomes of such funded projects in terms of the metrics developed in accordance with such subsection (g).

(3) TIP ADVISORY BOARD.—The TIP Advisory Board established under section 28(k) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(k)), in carrying out its responsibilities under subsection (k)(3), shall provide the Director of the National Institute of Standards and Technology with—

(A) advice on how to accomplish the requirement of paragraph (2)(A) of this subsection; and

(B) an assessment of the adequacy of the allocation of resources for nanotechnology related projects supported under the Technology Innovation Program.

(c) INDUSTRY LIAISON GROUPS.—An objective of the Program shall be to establish industry liaison groups for all industry sectors that would benefit from applications of nanotechnology. The Nanomanufacturing, Industry Liaison, and Innovation Working Group of the National Science and Technology Council shall actively pursue establishing such liaison groups.

(d) COORDINATION WITH STATE INITIATIVES.—Section 2(b)(5) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(5)) is amended to read as follows:

''(5) ensuring United States global leadership in the development and application of nanotechnology, including through coordination and leveraging Federal investments with nanotechnology research, development, and technology transition initiatives supported by the States;''.

SEC. 105. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

(a) IN GENERAL.—The Program shall include support for nanotechnology research and development activities directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits. The activities supported shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in such areas as nano-electronics, energy efficiency, health care, and water remediation and purification. The Advisory Panel shall make recommendations to the Program for candidate research and development areas for support under this section.

(b) CHARACTERISTICS.—

(1) IN GENERAL.—Research and development activities under this section shall—

(A) include projects selected on the basis of applications for support through a competitive, merit-based process;

(B) involve collaborations among researchers in academic institutions and industry, and may involve nonprofit research institutions and Federal laboratories, as appropriate;

(C) when possible, leverage Federal investments through collaboration with related State initiatives; and

(D) include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities to industry for commercial development.

(2) PROCEDURES.—Determination of the requirements for applications under this subsection, review and selection of applications for support, and subsequent funding of projects shall be carried out by a collaboration of no fewer than 2 agencies participating in the Program. In selecting applications for support, the agencies shall give special consideration to projects that include cost sharing from non-Federal sources.

(3) INTERDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section may be supported through interdisciplinary nanotechnology research centers, as authorized by section 2(b)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(4)), that are organized to investigate basic research questions and carry out technology demonstration activities in areas such as those identified in subsection (a).

(c) REPORT.—Reports required under section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)) shall include a description of research and development areas supported in accordance with this section, including the same budget information as is required for program component areas under paragraphs (1) and (2) of such section 2(d).

SEC. 106. NANOMANUFACTURING RESEARCH.

(a) RESEARCH AREAS.—The Nanomanufacturing program component area, or any successor program component area, shall include research on—

(1) development of instrumentation and tools required for the rapid characterization of nanoscale materials and for monitoring of nanoscale manufacturing processes; and

(2) approaches and techniques for scaling the synthesis of new nanoscale materials to achieve industrial-level production rates.

(b) GREEN NANOTECHNOLOGY.—Interdisciplinary research centers supported under the Program in accordance with section 2(b)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(4)) that are focused on nanomanufacturing research and centers established under the authority of section 105(b)(3) of this subtitle shall include as part of the activities of such centers—

(1) research on methods and approaches to develop environmentally benign nanoscale products and nanoscale manufacturing processes, taking into consideration relevant findings and results of research supported under the Environmental, Health, and Safety program component area, or any successor program component area;

(2) fostering the transfer of the results of such research to industry; and

(3) providing for the education of scientists and engineers through interdisciplinary studies in the principles and techniques for the design and development of environmentally benign nanoscale products and processes.

(c) REVIEW OF NANOMANUFACTURING RESEARCH AND RESEARCH FACILITIES.—

(1) PUBLIC MEETING.—Not later than 12 months after the date of enactment of this Act, the National Nanotechnology Coordination Office shall sponsor a public meeting, including representation from a wide range of industries engaged in nanoscale manufacturing, to—

(A) obtain the views of participants at the meeting on—

(i) the relevance and value of the research being carried out under the Nanomanufacturing program component area of the Program, or any successor program component area; and

(ii) whether the capabilities of nanotechnology research facilities supported under the Program are adequate—

(I) to meet current and near-term requirements for the fabrication and characterization of nanoscale devices and systems; and

(II) to provide access to and use of instrumentation and equipment at the facilities, by means of networking technology, to individuals who are at locations remote from the facilities; and

(B) receive any recommendations on ways to strengthen the research portfolio supported under the Nanomanufacturing program component area, or any successor program component area, and on improving the capabilities of nanotechnology research facilities supported under the Program.

Companies participating in industry liaison groups shall be invited to participate in the meeting. The Coordination Office shall prepare a report documenting the findings and recommendations resulting from the meeting.

(2) ADVISORY PANEL REVIEW.—The Advisory Panel shall review the Nanomanufacturing program component area of the Program, or any successor program component area, and the capabilities of nanotechnology research facilities supported under the Program to assess—

(A) whether the funding for the Nanomanufacturing program component area, or any successor program component area, is adequate and receiving appropriate priority within the overall resources available for the Program;

(B) the relevance of the research being supported to the identified needs and requirements of industry;

(C) whether the capabilities of nanotechnology research facilities supported under the Program are adequate—

(i) to meet current and near-term requirements for the fabrication and characterization of nanoscale devices and systems; and

(ii) to provide access to and use of instrumentation and equipment at the facilities, by means of networking technology, to individuals who are at locations remote from the facilities; and

(D) the level of funding that would be needed to support—

(i) the acquisition of instrumentation, equipment, and networking technology sufficient to provide the capabilities at nanotechnology research facilities described in subparagraph (C); and

(ii) the operation and maintenance of such facilities.

In carrying out its assessment, the Advisory Panel shall take into consideration the findings and recommendations from the report required under paragraph (1).

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Advisory Panel shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on its assessment required under paragraph (2), along with any

recommendations and a copy of the report prepared in accordance with paragraph (1).

SEC. 107. DEFINITIONS.

In this subtitle, terms that are defined in section 10 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7509) have the meaning given those terms in that section.

Subtitle B—Networking and Information Technology Research and Development

SEC. 111. SHORT TITLE.

This subtitle may be cited as the ''Networking and Information Technology Research and Development Act of 2010''.

SEC. 112. PROGRAM PLANNING AND COORDINATION.

(a) PERIODIC REVIEWS.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following new subsection:

''(d) PERIODIC REVIEWS.—The agencies identified in subsection (a)(3)(B) shall—

''(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee established under subsection (b); and

''(2) ensure that the Program includes large-scale, long-term, interdisciplinary research and development activities, including activities described in section 104.''.

(b) DEVELOPMENT OF STRATEGIC PLAN.—Section 101 of such Act (15 U.S.C. 5511) is amended further by adding after subsection (d), as added by subsection (a) of this section, the following new subsection:

''(e) STRATEGIC PLAN.—

''(1) IN GENERAL.—The agencies identified in subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the National Coordination Office established under section 102, shall develop, within 12 months after the date of enactment of the Networking and Information Technology Research and Development Act of 2010, and update every 3 years thereafter, a 5-year strategic plan to guide the activities described under subsection (a)(1).

''(2) CONTENTS.—The strategic plan shall specify near-term and long-term objectives for the Program, the anticipated time frame for achieving the near-term objectives, the metrics to be used for assessing progress toward the objectives, and how the Program will—

''(A) foster the transfer of research and development results into new technologies and applications for the benefit of society, including through cooperation and collaborations with networking and information technology research, development, and technology transition initiatives supported by the States;

''(B) encourage and support mechanisms for interdisciplinary research and development in networking and information technology, including through collaborations across agencies, across Program Component Areas, with industry, with Federal laboratories (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)), and with international organizations;

''(C) address long-term challenges of national importance for which solutions require large-scale, long-term, interdisciplinary research and development;

''(D) place emphasis on innovative and high-risk projects having the potential for substantial societal returns on the research investment;

''(E) strengthen all levels of networking and information technology education and training programs to ensure an adequate, well-trained workforce; and

''(F) attract more women and underrepresented minorities to pursue postsecondary degrees in networking and information technology.

''(3) NATIONAL RESEARCH INFRASTRUCTURE.—The strategic plan developed in accordance with paragraph (1) shall be accompanied by milestones and roadmaps for establishing and maintaining the national research infrastructure required to support the Program, including the roadmap required by subsection (a)(2)(E).

''(4) RECOMMENDATIONS.—The entities involved in developing the strategic plan under paragraph (1) shall take into consideration the recommendations—

''(A) of the advisory committee established under subsection (b); and

''(B) of the stakeholders whose input was solicited by the National Coordination Office, as required under section 102(b)(3).

''(5) REPORT TO CONGRESS.—The Director of the National Coordination Office shall transmit the strategic plan required under paragraph (1) to the advisory committee, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives.''.

(c) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 101(a)(2) of such Act (15 U.S.C. 5511(a)(2)) is amended—

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

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary to ensure that the strategic plan under subsection (e) is developed and executed effectively and that the objectives of the Program are met;''.

(d) ADVISORY COMMITTEE.—Section 101(b)(1) of such Act (15 U.S.C. 5511(b)(1)) is amended by inserting after ''an advisory committee on high-performance computing,'' the following: ''in which the co-chairs shall be members of the President's Council of Advisors on Science and Technology and with the remainder of the committee''.

(e) REPORT.—Section 101(a)(3) of such Act (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking ''is submitted,'' and inserting ''is submitted, the levels for the previous fiscal year,''; and

(B) by striking ''each Program Component Area;'' and inserting ''each Program Component Area and research area supported in accordance with section 104;'';

(2) in subparagraph (D)—

(A) by striking ''each Program Component Area,'' and inserting ''each Program Component Area and research area supported in accordance with section 104,'';

(B) by striking ''is submitted,'' and inserting ''is submitted, the levels for the previous fiscal year,''; and

(C) by striking ''and'' after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following new subparagraphs:

''(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan required under subsection (e);

''(F) include—

''(i) a description of the funding required by the National Coordination Office to perform the functions specified under section 102(b) for the next fiscal year by category of activity;

''(ii) a description of the funding required by such Office to perform the functions specified under section 102(b) for the current fiscal year by category of activity; and

''(iii) the amount of funding provided for such Office for the current fiscal year by each agency participating in the Program; and''.

(f) DEFINITION.—Section 4 of such Act (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

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

''(1) 'cyber-physical systems' means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions;'';

(3) in paragraph (4), as so redesignated—

(A) by striking ''high-performance computing'' and inserting ''networking and information technology''; and

(B) by striking ''supercomputer'' and inserting ''high-end computing'';

(4) in paragraph (6), as so redesignated, by striking ''network referred to as'' and all that follows through the semicolon and inserting ''network, including advanced computer networks of Federal agencies and departments;''; and

(5) in paragraph (7), as so redesignated, by striking ''National High-Performance Computing Program'' and inserting ''networking and information technology research and development program''.

SEC. 113. LARGE-SCALE RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

Title I of such Act (15 U.S.C. 5511) is amended by adding at the end the following new section:

''SEC. 104. LARGE-SCALE RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

''(a) IN GENERAL.—The Program shall encourage agencies identified in section 101(a)(3)(B) to support large-scale, long-term, interdisciplinary research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits. Such activities, ranging from basic research to the demonstration of technical solutions, shall be designed to advance the development of research discoveries. The advisory committee established under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

''(b) CHARACTERISTICS.—

''(1) IN GENERAL.—Research and development activities under this section shall—

''(A) include projects selected on the basis of applications for support through a competitive, merit-based process;

''(B) involve collaborations among researchers in institutions of higher education and industry, and may involve nonprofit research institutions and Federal laboratories, as appropriate;

''(C) when possible, leverage Federal investments through collaboration with related State initiatives; and

''(D) include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development.

''(2) COST-SHARING.—In selecting applications for support, the agencies shall give special consideration to projects that include cost sharing from non-Federal sources.

''(3) AGENCY COLLABORATION.—If 2 or more agencies identified in section 101(a)(3)(B), or other appropriate agencies, are working on large-scale research and development activities in the same area of national importance, then such agencies shall strive to collaborate through joint solicitation and selection of applications for support and subsequent funding of projects.

''(4) INTERDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section may be supported through interdisciplinary research centers that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing interdisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (Public Law 110–69; 42 U.S.C. 1862o–10).''.

SEC. 114. CYBER-PHYSICAL SYSTEMS AND INFORMATION MANAGEMENT.

(a) ADDITIONAL PROGRAM CHARACTERISTICS.—Section 101(a)(1) of such Act (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking ''and'' after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

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

''(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

''(K) provide for research and development on human-computer interactions, visualization, and information management.''.

(b) TASK FORCE.—Title I of such Act (15 U.S.C. 5511) is amended further by adding after section 104, as added by section 113 of this Act, the following new section:

''SEC. 105. UNIVERSITY/INDUSTRY TASK FORCE.

''(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Networking and Information Technology Research and Development Act of 2010, the Director of the National Coordination Office established under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems, including the related technologies required to enable these systems, through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

''(b) FUNCTIONS.—The task force shall—

''(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

''(2) propose a process for developing a research and development agenda for such entity, including objectives and milestones;

''(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

''(4) propose guidelines for assigning intellectual property rights and for the transfer of research results to the private sector; and

''(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

''(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the National Coordination Office shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, of which 2 may be selected from Federal laboratories.

''(d) REPORT.—Not later than 1 year after the date of enactment of the Networking and Information Technology Research and Development Act of 2010, the Director of the National Coordination Office shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.''.

SEC. 115. NATIONAL COORDINATION OFFICE.

Section 102 of such Act (15 U.S.C. 5512) is amended to read as follows:

''SEC. 102. NATIONAL COORDINATION OFFICE.

''(a) ESTABLISHMENT.—The Director shall establish a National Coordination Office with a Director and full-time staff.

''(b) FUNCTIONS.—The National Coordination Office shall—

''(1) provide technical and administrative support to—

''(A) the agencies participating in planning and implementing the Program, including such support as needed in the development of the strategic plan under section 101(e); and

''(B) the advisory committee established under section 101(b);

''(2) serve as the primary point of contact on Federal networking and information technology activities for government organizations, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

''(3) solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan required under section 101(e) through the convening of at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

''(4) conduct public outreach, including the dissemination of findings and recommendations of the advisory committee, as appropriate; and

''(5) promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry.

''(c) SOURCE OF FUNDING.—

''(1) IN GENERAL.—The operation of the National Coordination Office shall be supported by funds from each agency participating in the Program.

''(2) SPECIFICATIONS.—The portion of the total budget of such Office that is provided by each agency for each fiscal year shall be in the same proportion as each such agency's share of the total budget for the Program for the previous fiscal year, as specified in the report required under section 101(a)(3).''.

SEC. 116. IMPROVING NETWORKING AND INFORMATION TECHNOLOGY EDUCATION.

Section 201(a) of such Act (15 U.S.C. 5521(a)) is amended—

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

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

''(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields, including by women and underrepresented minorities;''.

SEC. 117. CONFORMING AND TECHNICAL AMENDMENTS.

(a) SECTION 3.—Section 3 of such Act (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking ''high-performance computing'' and inserting ''networking and information technology'';

(2) in paragraph (1), in the matter preceding subparagraph (A), by striking ''high-performance computing'' and inserting ''networking and information technology'';

(3) in subparagraphs (A) and (F) of paragraph (1), by striking ''high-performance computing'' each place it appears and inserting ''networking and information technology''; and

(4) in paragraph (2)—

(A) by striking ''high-performance computing and'' and inserting ''networking and information technology and''; and

(B) by striking ''high-performance computing network'' and inserting ''networking and information technology''.

(b) TITLE I.—The heading of title I of such Act (15 U.S.C. 5511) is amended by striking ''**HIGH-PERFORMANCE COMPUTING**'' and inserting ''**NETWORKING AND INFORMATION TECHNOLOGY**''.

(c) SECTION 101.—Section 101 of such Act (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking ''**high-performance computing**'' and inserting ''**networking and information technology research and development**'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''NATIONAL HIGH-PERFORMANCE COMPUTING'' and inserting ''NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT'';

(B) in paragraph (1) of such subsection—

(i) in the matter preceding subparagraph (A), by striking ''National High-Performance Computing Program'' and inserting ''networking and information technology research and development program'';

(ii) in subparagraph (A), by striking ''high-performance computing, including networking'' and inserting ''networking and information technology''; and

(iii) in subparagraphs (B), (C), and (G), by striking ''high-performance'' each place it appears and inserting ''high-end''; and

(C) in paragraph (2) of such subsection—

(i) in subparagraphs (A) and (C)—

(I) by striking ''high-performance computing'' each place it appears and inserting ''networking and information technology''; and

(II) by striking ''development, networking,'' each place it appears and inserting ''development,''; and

(ii) in subparagraphs (F) and (G), as redesignated by section 112(c)(1) of this Act, by striking ''high-performance'' each place it appears and inserting ''high-end'';

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''high-performance computing'' both places it appears and inserting ''networking and information technology''; and

(4) in subsection (c)(1)(A), by striking ''high-performance computing'' and inserting ''networking and information technology''.

(d) SECTION 201.—Section 201(a)(1) of such Act (15 U.S.C. 5521(a)(1)) is amended by striking ''high-performance computing'' and all that follows through ''networking;'' and inserting ''networking and information research and development;''.

(e) SECTION 202.—Section 202(a) of such Act (15 U.S.C. 5522(a)) is amended by striking ''high-performance computing'' and inserting ''networking and information technology''.

(f) SECTION 203.—Section 203(a)(1) of such Act (15 U.S.C. 5523(a)(1)) is amended by striking ''high-performance computing and networking'' and inserting ''networking and information technology''.

(g) SECTION 204.—Section 204(a)(1) of such Act (15 U.S.C. 5524(a)(1)) is amended—

(1) in subparagraph (A), by striking ''high-performance computing systems and networks'' and inserting ''networking and information technology systems and capabilities''; and

(2) in subparagraph (C), by striking ''high-performance computing'' and inserting ''networking and information technology''.

(h) SECTION 205.—Section 205(a) of such Act (15 U.S.C. 5525(a)) is amended by striking ''computational'' and inserting ''networking and information technology''.

(i) SECTION 206.—Section 206(a) of such Act (15 U.S.C. 5526(a)) is amended by striking ''computational research'' and inserting ''networking and information technology research''.

(j) SECTION 208.—Section 208 of such Act (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking ''**HIGH-PERFORMANCE COMPUTING**'' and inserting ''**NETWORKING AND INFORMATION TECHNOLOGY**''; and

(2) in subsection (a)—

(A) in paragraph (1), by striking ''High-performance computing and associated'' and inserting ''Networking and information'';

(B) in paragraph (2), by striking ''high-performance computing'' and inserting ''networking and information technologies'';

(C) in paragraph (4), by striking ''high-performance computers and associated'' and inserting ''networking and information''; and

(D) in paragraph (5), by striking ''high-performance computing and associated'' and inserting ''networking and information''.

Subtitle C—Other OSTP Provisions

SEC. 121. FEDERAL SCIENTIFIC COLLECTIONS.

(a) MANAGEMENT OF SCIENTIFIC COLLECTIONS.—The Office of Science and Technology Policy, in consultation with relevant Federal agencies, shall ensure the development of formal policies for the management and use of Federal scientific collections to improve the quality, organization, access, including online access, and long-term preservation of such collections for the benefit of the scientific enterprise.

(b) DEFINITION.—For the purposes of this section, the term ''scientific collection'' means a set of physical specimens, living or inanimate, created for the purpose of supporting science and serving as a long-term research asset, rather than for their market value as collectibles or their historical, artistic, or cultural significance.

(c) CLEARINGHOUSE.—The Office of Science and Technology Policy, in consultation with relevant Federal agencies, shall ensure the development of an online clearinghouse for information on the contents of and access to Federal scientific collections.

(d) DISPOSAL OF COLLECTIONS.—The policies developed under subsection (a) shall—

(1) require that, before disposing of a scientific collection, a Federal agency shall—

(A) conduct a review of the research value of the collection; and

(B) consult with researchers who have used the collection, and other potentially interested parties, concerning—

(i) the collection's value for research purposes; and

(ii) possible additional educational uses for the collection; and

(2) include procedures for Federal agencies to transfer scientific collections they no longer need to researchers at institutions or other entities qualified to manage the collections.

(e) COST PROJECTIONS.—The Office of Science and Technology Policy, in consultation with relevant Federal agencies, shall develop a common set of methodologies to be used by Federal agencies for the assessment and projection of costs associated with the management and preservation of their scientific collections.

SEC. 122. COORDINATION OF MANUFACTURING RESEARCH AND DEVELOPMENT.

(a) INTERAGENCY COMMITTEE.—The Director of the Office of Science and Technology Policy shall establish or designate an interagency committee under the National Science and Technology Council with the responsibility for planning and coordinating Federal programs and activities in manufacturing research and development.

(b) RESPONSIBILITIES OF COMMITTEE.—The interagency committee established or designated under subsection (a) shall—

(1) coordinate the manufacturing research and development programs and activities of the Federal agencies;

(2) establish goals and priorities for manufacturing research and development that will strengthen United States manufacturing; and

(3) develop and update every 5 years thereafter a strategic plan to guide Federal programs and activities in support of manufacturing research and development, which shall—

(A) specify and prioritize near-term and long-term research and development objectives, the anticipated time frame for achieving the objectives, and the metrics for use in assessing progress toward the objectives;

(B) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the objectives of the strategic plan;

(C) describe how the Federal agencies supporting manufacturing research and development will foster the transfer of research and development results into new manufacturing technologies, processes, and products for the benefit of society and the national interest; and

(D) describe how the Federal agencies supporting manufacturing research and development will strengthen all levels of manufacturing education and training programs to ensure an adequate, well-trained workforce.

(c) RECOMMENDATIONS.—In the development of the strategic plan required under subsection (b)(3), the Director of the Office of Science and Technology Policy, working through the interagency committee, shall take into consideration the recommendations of a wide range of stakeholders, including representatives from diverse manufacturing companies, academia, and other relevant organizations and institutions.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit the strategic plan developed under subsection (b)(3) to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives, and shall transmit subsequent updates to those committees when completed.

SEC. 123. INTERAGENCY PUBLIC ACCESS COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish a working group under the National Science and Technology Council with the responsibility to coordinate Federal science agency research and policies related to the dissemination and long-term stewardship of the results of unclassified research, including digital data and peer-reviewed scholarly publications, supported wholly, or in part, by funding from the Federal science agencies.

(b) RESPONSIBILITIES.—The working group established under subsection (a) shall—

(1) coordinate the development or designation of uniform standards for research data, the structure of full text and metadata, navigation tools, and other applications to achieve interoperability across Federal science agencies, across science and engineering disciplines, and between research data and scholarly publications, taking into account existing consensus standards, including international standards;

(2) coordinate Federal science agency programs and activities that support research and education on tools and systems required to ensure preservation and stewardship of all forms of digital research data, including scholarly publications;

(3) work with international science and technology counterparts to maximize interoperability between United States based unclassified research databases and international databases and repositories;

(4) solicit input and recommendations from, and collaborate with, non-Federal stakeholders, including universities, nonprofit and for-profit publishers, libraries, federally funded research scientists, and other organizations and institutions with a stake in long term preservation and access to the results of federally funded research; and

(5) establish priorities for coordinating the development of any Federal science agency policies related to public access to the results of federally funded research to maximize uniformity of such policies with respect to their benefit to, and potential economic or other impact on, the science and engineering enterprise and the stakeholders thereof.

(c) PATENT OR COPYRIGHT LAW.—Nothing in this section shall be construed to affect any right under the provisions of title 17 or 35, United States Code.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit a report to Congress describing—

(1) any priorities established under subsection (b)(5);

(2) the status of any Federal science agency policies related to public access to the results of federally funded research; and

(3) how any policies developed or being developed by Federal science agencies, as described in paragraph (2), incorporate input from the non-Federal stakeholders described in subsection (b)(4).

(e) DEFINITION.—For the purposes of this section, the term ''Federal science agency'' means any Federal agency with an annual extramural research expenditure of over $100,000,000.

(f) SENSE OF CONGRESS REGARDING PEER REVIEW.—It is the sense of Congress that peer review is an important part of the process of ensuring the integrity of the record of scientific research, and that the National Science and Technology Council working group established under this section should take into account the role that scientific publishers play in the peer review process.

SEC. 124. FULFILLING THE POTENTIAL OF WOMEN IN ACADEMIC SCIENCE AND ENGINEERING.

(a) DEFINITION.—In this section, the term ''Federal science agency'' means any Federal agency that is responsible for at least 2 percent of total Federal research and development funding to institutions of higher education, according to the most recent data available from the National Science Foundation.

(b) WORKSHOPS TO ENHANCE GENDER EQUITY IN ACADEMIC SCIENCE AND ENGINEERING.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall develop a uniform policy for all Federal science agencies to carry out a program of workshops that educate program officers, members of grant review panels, institution of higher education STEM department chairs, and other federally funded researchers about methods that minimize the effects of gender bias in evaluation of Federal research grants and in the related academic advancement of actual and potential recipients of these grants, including hiring, tenure, promotion, and selection for any honor based in part on the recipient's research record.

(2) INTERAGENCY COORDINATION.—The Director of the Office of Science and Technology Policy shall ensure that programs of workshops across the Federal science agencies are coordinated and supported jointly as appropriate. As part of this process, the Director of the Office of Science and Technology Policy shall ensure that at least 1 workshop is supported every 2 years among the Federal science agencies in each of the major science and engineering disciplines supported by those agencies.

(3) ORGANIZATIONS ELIGIBLE TO CARRY OUT WORKSHOPS.—Federal science agencies may carry out the program of workshops under this subsection by making grants to eligible organizations. In addition to any other organizations made eligible by the Federal science agencies, the following organizations are eligible for grants under this subsection:

(A) Nonprofit scientific and professional societies and organizations that represent one or more STEM disciplines.

(B) Nonprofit organizations that have the primary mission of advancing the participation of women in STEM.

(4) CHARACTERISTICS OF WORKSHOPS.—The workshops shall have the following characteristics:

(A) Invitees to workshops shall include at least—

(i) the chairs of departments in the relevant discipline from at least the top 50 institutions of higher education, as determined by the amount of Federal research and development funds obligated to each institution of higher education in the prior year based on data available from the National Science Foundation;

(ii) members of any standing research grant review panel appointed by the Federal science agencies in the relevant discipline;

(iii) in the case of science and engineering disciplines supported by the Department of Energy, the individuals from each of the Department of Energy National Laboratories with personnel management responsibilities comparable to those of an institution of higher education department chair; and

(iv) Federal science agency program officers in the relevant discipline, other than program officers that participate in comparable workshops organized and run specifically for that agency's program officers.

(B) Activities at the workshops shall include research presentations and interactive discussions or other activities that increase the awareness of the existence of gender bias in the grant-making process and the development of the academic record necessary to qualify as a grant recipient, including recruitment, hiring, tenure review, promotion, and other forms of formal recognition of individual achievement, and provide strategies to overcome such bias.

(C) Research presentations and other workshop programs, as appropriate, shall include a discussion of the unique challenges faced by women who are members of historically underrepresented groups.

(D) Workshop programs shall include information on best practices and the value of mentoring undergraduate and graduate women students as well as outreach to girls earlier in their STEM education.

(5) REPORT.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report evaluating the effectiveness of the program carried out under this subsection to reduce gender bias towards women engaged in research funded by the Federal Government. The Director of the Office of Science and Technology Policy shall include in this report any recommendations for improving the evaluation process described in subparagraph (B).

(B) MINIMUM CRITERIA FOR EVALUATION.—In determining the effectiveness of the program, the Director of the Office of Science and Technology Policy shall consider, at a minimum—

(i) the rates of participation by invitees in the workshops authorized under this subsection;

(ii) the results of attitudinal surveys conducted on workshop participants before and after the workshops;

(iii) any relevant institutional policy or practice changes reported by participants; and

(iv) for individuals described in paragraph (4)(A)(i) or (iii) who participated in at least 1 workshop 3 or more years prior to the due date for the report, trends in the data for the department represented by the chair or employee including faculty data related to gender as described in section 216.

(C) INSTITUTIONAL ATTENDANCE AT WORKSHOPS.—As part of the report under subparagraph (A), the Director of the Office of Science and Technology Policy shall include a list of institutions of higher education science and engineering departments whose representatives attended the workshops required under this subsection.

(6) MINIMIZING COSTS.—To the extent practicable, workshops shall be held in conjunction with national or regional disciplinary meetings to minimize costs associated with participant travel.

(c) EXTENDED RESEARCH GRANT SUPPORT AND INTERIM TECHNICAL SUPPORT FOR CAREGIVERS.—

(1) POLICIES FOR CAREGIVERS.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall develop a uniform policy to—

(A) extend the period of grant support for federally funded researchers who have caregiving responsibilities; and

(B) provide funding for interim technical staff support for federally funded researchers who take a leave of absence for caregiving responsibilities.

(2) REPORT.—Upon developing the policy required under paragraph (1), the Director of the Office of Science and Technology Policy shall transmit a copy of the policy to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate.

(d) COLLECTION OF DATA ON FEDERAL RESEARCH GRANTS.—

(1) IN GENERAL.—Each Federal science agency shall collect standardized annual composite information on demographics, field, award type and budget request, review score, and funding outcome for all applications for research and development grants to institutions of higher education supported by that agency.

(2) REPORTING OF DATA.—

(A) The Director of the Office of Science and Technology Policy shall establish a policy to ensure uniformity and standardization of data collection required under paragraph (1).

(B) Not later than 2 years after the date of enactment of this Act, and annually thereafter, each Federal science agency shall submit data collected under paragraph (1) to the National Science Foundation.

(C) The National Science Foundation shall be responsible for storing and publishing all of the grant data submitted under subparagraph (B), disaggregated and cross-tabulated by race, ethnicity, and gender, in conjunction with the biennial report required under section 37 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d).

SEC. 125. NATIONAL COMPETITIVENESS AND INNOVATION STRATEGY.

Not later than one year after the date of the enactment of this Act, the Director of the White House Office of Science and Technology Policy shall submit to Congress and the President a national competitiveness and innovation strategy for strengthening the innovative and competitive capacity of the Federal Government, State and local governments, institutions of higher education, and the private sector that includes—

(1) proposed legislative changes and action;

(2) proposed actions to be taken collectively by executive agencies, including White House offices;

(3) proposed actions to be taken by individual executive agencies, including White House offices; and

(4) a proposal for metrics-based monitoring and oversight of the progress of the Federal Government with respect to improving conditions for the innovation occurring in and the competitiveness of the United States.

TITLE II—NATIONAL SCIENCE FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Science Foundation Authorization Act of 2010''.

Subtitle A—General Provisions

SEC. 211. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(2) FOUNDATION.—The term ''Foundation'' means the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) STATE.—The term ''State'' means one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

(5) STEM.—The term ''STEM'' means science, technology, engineering, and mathematics.

(6) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2011.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $7,481,000,000 for fiscal year 2011.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $6,020,000,000 shall be made available for research and related activities;

(B) $945,000,000 shall be made available for education and human resources;

(C) $166,000,000 shall be made available for major research equipment and facilities construction;

(D) $330,000,000 shall be made available for agency operations and award management;

(E) $4,840,000 shall be made available for the Office of the National Science Board; and

(F) $14,830,000 shall be made available for the Office of Inspector General.

(b) FISCAL YEAR 2012.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $8,127,000,000 for fiscal year 2012.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $6,496,000,000 shall be made available for research and related activities;

(B) $1,020,000,000 shall be made available for education and human resources;

(C) $235,000,000 shall be made available for major research equipment and facilities construction;

(D) $356,000,000 shall be made available for agency operations and award management;

(E) $5,010,000 shall be made available for the Office of the National Science Board; and

(F) $15,350,000 shall be made available for the Office of Inspector General.

(c) FISCAL YEAR 2013.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $8,764,000,000 for fiscal year 2013.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $7,009,000,000 shall be made available for research and related activities;

(B) $1,100,000,000 shall be made available for education and human resources;

(C) $250,000,000 shall be made available for major research equipment and facilities construction;

(D) $384,000,000 shall be made available for agency operations and award management;

(E) $5,180,000 shall be made available for the Office of the National Science Board; and

(F) $15,890,000 shall be made available for the Office of Inspector General.

SEC. 213. NATIONAL SCIENCE BOARD ADMINISTRATIVE AMENDMENTS.

(a) STAFFING AT THE NATIONAL SCIENCE BOARD.—Section 4(g) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(g)) is amended by striking ''not more than 5''.

(b) SCIENCE AND ENGINEERING INDICATORS DUE DATE.—Section 4(j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)) is amended by striking ''January 15'' and inserting ''May 31''.

(c) NATIONAL SCIENCE BOARD REPORTS.—Section 4(j)(2) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(2)) is amended by inserting ''within the authority of the Foundation (or otherwise as requested by the appropriate Congressional committees of jurisdiction or the President)'' after ''individual policy matters''.

(d) BOARD ADHERENCE TO SUNSHINE ACT.—Section 15(a) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–5(a)) is amended—

(1) by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(2) in paragraph (3), as so redesignated by paragraph (1) of this subsection—

(A) by striking ''February 15'' and inserting ''April 15''; and

(B) by striking ''the audit required under paragraph (3) along with'' and inserting ''any''; and

(3) in paragraph (4), as so redesignated by paragraph (1) of this subsection, by striking ''To facilitate the audit required under paragraph (3) of this subsection, the'' and inserting ''The''.

SEC. 214. BROADER IMPACTS REVIEW CRITERION.

(a) GOALS.—The Foundation shall apply a Broader Impacts Review Criterion to achieve the following goals:

(1) Increased economic competitiveness of the United States.

(2) Development of a globally competitive STEM workforce.

(3) Increased participation of women and underrepresented minorities in STEM.

(4) Increased partnerships between academia and industry.

(5) Improved pre-K–12 STEM education and teacher development.

(6) Improved undergraduate STEM education.

(7) Increased public scientific literacy.

(8) Increased national security.

(b) POLICY.—Not later than 6 months after the date of enactment of this Act, the Director shall develop and implement a policy for the Broader Impacts Review Criterion that—

(1) provides for educating professional staff at the Foundation, merit review panels, and applicants for Foundation research grants on the policy developed under this subsection;

(2) clarifies that the activities of grant recipients undertaken to satisfy the Broader Impacts Review Criterion shall—

(A) to the extent practicable employ proven strategies and models and draw on existing programs and activities; and

(B) when novel approaches are justified, build on the most current research results;

(3) allows for some portion of funds allocated to broader impacts under a research grant to be used for assessment and evaluation of the broader impacts activity;

(4) encourages institutions of higher education and other nonprofit education or research organizations to develop and provide, either as individual institutions or in partnerships thereof, appropriate training and programs to assist Foundation-funded principal investigators at their institutions in achieving the goals of the Broader Impacts Review Criterion as described in subsection (a); and

(5) requires principal investigators applying for Foundation research grants to provide evidence of institutional support for the portion of the investigator's proposal designed to satisfy the Broader Impacts Review Criterion, including evidence of relevant training, programs, and other institutional resources available to the investigator from either their home institution or organization or another institution or organization with relevant expertise.

SEC. 215. NATIONAL CENTER FOR SCIENCE AND ENGINEERING STATISTICS.

(a) ESTABLISHMENT.—There is established within the Foundation a National Center for Science and Engineering Statistics (in this section referred to as the ''Center''), that shall serve as a central Federal clearinghouse for the collection, interpretation, analysis, and dissemination of objective data on science, engineering, technology, and research and development.

(b) DUTIES.—In carrying out subsection (a) of this section, the Director, acting through the Center shall—

(1) collect, acquire, analyze, report, and disseminate statistical data related to the science and engineering enterprise in the United States and other nations that is relevant and useful to practitioners, researchers, policymakers, and the public, including statistical data on—

(A) research and development trends;

(B) the science and engineering workforce;

(C) United States competitiveness in science, engineering, technology, and research and development; and

(D) the condition and progress of United States STEM education;

(2) support research using the data it collects, and on methodologies in areas related to the work of the Center; and

(3) support the education and training of researchers in the use of large-scale, nationally representative data sets.

(c) STATISTICAL REPORTS.—The Director or the National Science Board, acting through the Center, shall issue regular, and as necessary, special statistical reports on topics related to the national and international science and engineering enterprise such as the biennial report required by section 4 (j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)) on indicators of the state of science and engineering in the United States.

SEC. 216. COLLECTION OF DATA ON DEMOGRAPHICS OF FACULTY.

(a) COLLECTION OF DATA.—The Director shall report, in conjunction with the biennial report required under section 37 of the Science and Engineering Equal Opportunities Act (42 U.S.C.19 1885d), statistical summary data on the demographics of STEM discipline faculty at institutions of higher education in the United States, disaggregated and cross-tabulated by race, ethnicity, and gender. At a minimum, the Director shall consider—

(1) the number and percent of faculty by gender, race, and age;

(2) the number and percent of faculty at each rank, by gender, race, and age;

(3) the number and percent of faculty who are in nontenure-track positions, including teaching and research, by gender, race, and age;

(4) the number of faculty who are reviewed for promotion, including tenure, and the percentage of that number who are promoted, by gender, race, and age;

(5) faculty years in rank by gender, race, and age;

(6) faculty attrition by gender, race, and age;

(7) the number and percent of faculty hired by rank, gender, race, and age; and

(8) the number and percent of faculty in leadership positions, including endowed or named chairs, serving on promotion and tenure committees, by gender, race, and age.

(b) RECOMMENDATIONS.—The Director shall solicit input and recommendations from relevant stakeholders, including representatives from institutions of higher education and nonprofit organizations, on the collection of data required under subsection (a), including the development of standard definitions on the terms and categories to be used in the collection of such data.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Director shall submit a report to Congress on how the Foundation will gather the demographic data on STEM faculty, including—

(1) a description of the data to be reported and the sources of those data;

(2) justification for the exclusion of any data described in paragraph (1); and

(3) a list of the definitions for the terms and categories, such as ''faculty'' and ''leadership positions'', to be applied in the reporting of all data described in paragraph (1).

Subtitle B—Research and Innovation

SEC. 221. SUPPORT FOR POTENTIALLY TRANSFORMATIVE RESEARCH.

(a) POLICY.—The Director shall establish a policy that requires the Foundation to use at least 5 percent of its research budget to fund high-risk, high-reward basic research proposals. Support for facilities and infrastructure, including preconstruction design and operations and maintenance of major research facilities, shall not be counted as part of the research budget for the purposes of this section.

(b) IMPLEMENTATION.—In implementing such policy, the Foundation may—

(1) develop solicitations specifically for high-risk, high-reward basic research;

(2) establish review panels for the primary purpose of selecting high-risk, high-reward proposals or modify instructions to standard review panels to require identification of high-risk, high-reward proposals; and

(3) support workshops and participate in conferences with the primary purpose of identifying new opportunities for high-risk, high-reward basic research, especially at interdisciplinary interfaces.

(c) DEFINITION.—For purposes of this section, the term ''high-risk, high-reward basic research'' means research driven by ideas that have the potential to radically change our understanding of an important existing scientific or engineering concept, or leading to the creation of a new paradigm or field of science or engineering, and that is characterized by its challenge to current understanding or its pathway to new frontiers.

SEC. 222. FACILITATING INTERDISCIPLINARY COLLABORATIONS FOR NATIONAL NEEDS.

(a) IN GENERAL.—The Director shall award competitive, merit-based awards in amounts not to exceed $5,000,000 over a period of up to 5 years to interdisciplinary research collaborations that are likely to assist in addressing critical challenges to national security, competitiveness, and societal well-being and that—

(1) involve at least 2 co-equal principal investigators at the same or different institutions;

(2) draw upon well-integrated, diverse teams of investigators, including students or postdoctoral researchers, from one or more disciplines; and

(3) foster creativity and pursue high-risk, high-reward research.

(b) PRIORITY.—In selecting grant recipients under this section, the Director shall give priority to applicants that propose to utilize advances in cyberinfrastructure and simulation-based science and engineering.

SEC. 223. NATIONAL SCIENCE FOUNDATION MANUFACTURING RESEARCH AND EDUCATION.

(a) MANUFACTURING RESEARCH.—The Director shall carry out a program to award merit-reviewed, competitive grants to institutions of higher education to support fundamental research leading to transformative advances in manufacturing technologies, processes, and enterprises that will support United States manufacturing through improved performance, productivity, sustainability, and competitiveness. Research areas may include—

(1) nanomanufacturing;

(2) manufacturing and construction machines and equipment, including robotics, automation, and other intelligent systems;

(3) manufacturing enterprise systems;

(4) advanced sensing and control techniques;

(5) materials processing; and

(6) information technologies for manufacturing, including predictive and real-time models and simulations, and virtual manufacturing.

(b) MANUFACTURING EDUCATION.—In order to help ensure a well-trained manufacturing workforce, the Director shall award grants to strengthen and expand scientific and technical education and training in advanced manufacturing, including through the Foundation's Advanced Technological Education program.

SEC. 224. STRENGTHENING INSTITUTIONAL RESEARCH PARTNERSHIPS.

(a) IN GENERAL.—For any Foundation research grant, in an amount greater than $2,000,000, to be carried out through a partnership that includes one or more minority-serving institutions or predominantly undergraduate institutions and one or more institutions described in subsection (b), the Director shall award funds directly, according to the budget justification described in the grant proposal, to at least two of the institutions of higher education in the partnership, including at least one minority-serving institution or one predominantly undergraduate institution, to ensure a strong and equitable partnership.

(b) INSTITUTIONS.—The institutions referred to in subsection (a) are institutions of higher education that are among the 100 institutions receiving, over the 3-year period immediately preceding the awarding of grants, the highest amount of research funding from the Foundation.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Director shall provide a report to Congress on institutional research partnerships identified in subsection (a) funded in the previous fiscal year.

SEC. 225. NATIONAL SCIENCE BOARD REPORT ON MID-SCALE INSTRUMENTATION.

(a) MID-SCALE RESEARCH INSTRUMENTATION NEEDS.—The National Science Board shall evaluate the needs, across all disciplines supported by the Foundation, for mid-scale research instrumentation that falls between the instruments funded by the Major Research Instrumentation program and the very large projects funded by the Major Research Equipment and Facilities Construction program.

(b) REPORT ON MID-SCALE RESEARCH INSTRUMENTATION PROGRAM.—Not later than 1 year after the date of enactment of this Act, the National Science Board shall submit to Congress a report on mid-scale research instrumentation at the Foundation. At a minimum, this report shall include—

(1) the findings from the Board's evaluation of instrumentation needs required under subsection (a), including a description of differences across disciplines and Foundation research directorates;

(2) a recommendation or recommendations regarding how the Foundation should set priorities for mid-scale instrumentation across disciplines and Foundation research directorates;

(3) a recommendation or recommendations regarding the appropriateness of expanding existing programs, including the Major Research Instrumentation program or the Major Research Equipment and Facilities Construction program, to support more instrumentation at the mid-scale;

(4) a recommendation or recommendations regarding the need for and appropriateness of a new, Foundation-wide program or initiative in support of mid-scale instrumentation, including any recommendations regarding the administration of and budget for such a program or initiative and the appropriate scope of instruments to be funded under such a program or initiative; and

(5) any recommendation or recommendations regarding other options for supporting mid-scale research instrumentation at the Foundation.

SEC. 226. SENSE OF CONGRESS ON OVERALL SUPPORT FOR RESEARCH INFRASTRUCTURE AT THE FOUNDATION.

It is the sense of Congress that the Foundation should strive to keep the percentage of the Foundation budget devoted to research infrastructure in the range of 24 to 27 percent, as recommended in the 2003 National Science Board report entitled ''Science and Engineering Infrastructure for the 21st Century''.

SEC. 227. PARTNERSHIPS FOR INNOVATION.

(a) IN GENERAL.—The Director shall carry out a program to award merit-reviewed, competitive grants to institutions of higher education to establish and to expand partnerships that promote innovation and increase the economic and social impact of research by developing tools and resources to connect new scientific discoveries to practical uses.

(b) PARTNERSHIPS.—

(1) IN GENERAL.—To be eligible for funding under this section, an institution of higher education must propose establishment of a partnership that—

(A) includes at least one private sector entity; and

(B) may include other institutions of higher education, public sector institutions, private sector entities, and social enterprise nonprofit organizations.

(2) PRIORITY.—In selecting grant recipients under this section, the Director shall give priority to partnerships that include one or more institutions of higher education that are among the 100 institutions receiving, over the 3-year period immediately preceding the awarding of grants, the highest amount of research funding from the Foundation and at least one of the following:

(A) A minority serving institution.

(B) A primarily undergraduate institution.

(C) A 2-year institution of higher education.

(c) PROGRAM.—Proposals funded under this section shall seek to—

(1) increase the economic or social impact of the most promising research at the institution or institutions of higher education that are members of the partnership through knowledge transfer or commercialization;

(2) increase the engagement of faculty and students across multiple disciplines and departments, including faculty and students in schools of business and other appropriate non-STEM fields and disciplines in knowledge transfer activities;

(3) enhance education and mentoring of students and faculty in innovation and entrepreneurship through networks, courses, and development of best practices and curricula;

(4) strengthen the culture of the institution or institutions of higher education to undertake and participate in activities related to innovation and leading to economic or social impact;

(5) broaden the participation of all types of institutions of higher education in activities to meet STEM workforce needs and promote innovation and knowledge transfer; and

(6) build lasting partnerships with local and regional businesses, local and State governments, and other relevant entities.

(d) ADDITIONAL CRITERIA.—In selecting grant recipients under this section, the Director shall also consider the extent to which the applicants are able to demonstrate evidence of institutional support for, and commitment to—

(1) achieving the goals of the program as described in subsection (c);

(2) expansion to an institution-wide program if the initial proposal is not for an institution-wide program; and

(3) sustaining any new innovation tools and resources generated from funding under this program.

(e) LIMITATION.—No funds provided under this section may be used to construct or renovate a building or structure.

SEC. 228. PRIZE AWARDS.

(a) SHORT TITLE.—This section may be cited as the ''Generating Extraordinary New Innovations in the United States Act of 2010''.

(b) IN GENERAL.—The Director shall carry out a pilot program to award innovation inducement cash prizes in any area of research supported by the Foundation. The Director may carry out a program of cash prizes only in conformity with this section.

(c) TOPICS.—In identifying topics for prize competitions under this section, the Director shall—

(1) consult widely both within and outside the Federal Government;

(2) give priority to high-risk, high-reward research challenges and to problems whose solution could improve the economic competitiveness of the United States; and

(3) give consideration to the extent to which the topics have the potential to raise public awareness about federally sponsored research.

(d) TYPES OF CONTESTS.—The Director shall consider all categories of innovation inducement prizes, including—

(1) contests in which the award is to the first team or individual who accomplishes a stated objective; and

(2) contests in which the winner is the team or individual who comes closest to achieving an objective within a specified time.

(e) ADVERTISING AND ANNOUNCEMENT.—

(1) ADVERTISING AND SOLICITATION OF COMPETITORS.—The Director shall widely advertise prize competitions to encourage broad participation, including by individuals, institutions of higher education, nonprofit organizations, and businesses.

(2) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Director shall announce each prize competition by publishing a notice in the Federal Register. This notice shall include the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize, including the method by which the prize winner or winners will be selected.

(3) TIME TO ANNOUNCEMENT.—The Director shall announce a prize competition within 18 months after receipt of appropriated funds.

(f) FUNDING.—

(1) FUNDING SOURCES.—Prizes under this section shall consist of Federal appropriated funds and any funds raised pursuant to donations authorized under section 11(f) of the National Science Foundation Act of 1950 (42 U.S.C. 1870(f)) for specific prize competitions.

(2) ANNOUNCEMENT OF PRIZES.—The Director may not issue a notice as required by subsection (e)(2) until all of the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by another entity pursuant to paragraph (1).

(g) ELIGIBILITY.—To be eligible to win a prize under this section, an individual or entity—

(1) shall have complied with all of the requirements under this section;

(2) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a United States citizen or national, or an alien lawfully admitted to the United States for permanent residence;

(3) shall not be a Federal entity, a Federal employee acting within the scope of his or her employment, or a person employed at a Federal laboratory acting within the scope of his or her employment; and

(4) shall not have utilized Federal funds to engage in research on the topic for which the prize is being awarded.

(h) AWARDS.—

(1) NUMBER OF COMPETITIONS.—The Director may announce up to 5 prize competitions through the end of fiscal year 2013.

(2) SIZE OF AWARD.—The Director may determine the amount of each prize award based on the prize topic, but no award shall be less than $1,000,000 or greater than $3,000,000.

(3) SELECTING WINNERS.—The Director may convene an expert panel to select a winner of a prize competition. If the panel is unable to select a winner, the Director shall determine the winner of the prize.

(4) PUBLIC OUTREACH.—The Director shall publicly award prizes utilizing the Foundation's existing public affairs and public outreach resources.

(i) ADMINISTERING THE COMPETITION.—The Director may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

(j) INTELLECTUAL PROPERTY.—The Federal Government shall not, by virtue of offering or awarding a prize under this section, be entitled to any intellectual property rights derived as a consequence of, or in direct relation to, the participation by a registered participant in a competition authorized by this section. This subsection shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this section.

(k) LIABILITY.—The Director may require a registered participant in a prize competition under this section to waive liability against the Federal Government for injuries and damages that result from participation in such competition.

(l) NONSUBSTITUTION.—Any programs created under this section shall not be considered a substitute for Federal research and development programs.

(m) REPORTING REQUIREMENT.—Not later than 5 years after the date of enactment of this Act, the National Science Board shall transmit to Congress a report containing the results of a review and assessment of the pilot program under this section, including—

(1) a description of the nature and status of all completed or ongoing prize competitions carried out under this section, including any scientific achievements, publications, intellectual property, or commercialized technology that resulted from such competitions;

(2) any recommendations regarding changes to, the termination of, or continuation of the pilot program;

(3) an analysis of whether the program is attracting contestants more diverse than the Foundation's traditional academic constituency;

(4) an analysis of whether public awareness of innovation or of the goal of the particular prize or prizes is enhanced;

(5) an analysis of whether the Foundation's public image or ability to increase public scientific literacy is enhanced through the use of innovation inducement prizes; and

(6) an analysis of the extent to which private funds are being used to support registered participants.

(n) EARLY TERMINATION OF CONTESTS.—The Director shall terminate a prize contest before any registered participant wins if the Director determines that an unregistered entity has produced an innovation that would otherwise have qualified for the prize award.

(o) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—

(A) AWARDS.—There are authorized to be appropriated to the Director for the period encompassing fiscal years 2011 through 2013 $12,000,000 for carrying out this section.

(B) ADMINISTRATION.—Of the amounts authorized in subparagraph (A), not more than 15 percent for each fiscal year shall be available for the administrative costs of carrying out this section.

(2) CARRYOVER OF FUNDS.—Funds appropriated for prize awards under this section shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes as authorized by law only after the expiration of 7 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this section permits obligation or payment of funds in violation of section 1341 of title 31 of the United States Code (commonly referred to as the Anti-Deficiency Act).

SEC. 229. GREEN CHEMISTRY BASIC RESEARCH.

The Director shall establish a Green Chemistry Basic Research program to award competitive, merit-based grants to support research into green and sustainable chemistry which will lead to clean, safe, and economical alternatives to traditional chemical products and practices. The research program shall provide sustained support for green chemistry research, education, and technology transfer through—

(1) merit-reviewed competitive grants to individual investigators and teams of investigators, including, to the extent practicable, young investigators, for research;

(2) grants to fund collaborative research partnerships among universities, industry, and nonprofit organizations;

(3) symposia, forums, and conferences to increase outreach, collaboration, and dissemination of green chemistry advances and practices; and

(4) education, training, and retraining of undergraduate and graduate students and professional chemists and chemical engineers, including through partnerships with industry, in green chemistry science and engineering.

SEC. 230. COLLABORATION IN PLANNING FOR STEWARDSHIP OF LARGE-SCALE FACILITIES.

It is the sense of Congress that the Foundation should, in its planning for construction and stewardship of large facilities, coordinate and collaborate with other Federal agencies, including the Department of Energy's Office of Science, to ensure that joint investments may be made when practicable. In particular, the Foundation should ensure that it responds to recommendations by the National Academy of Sciences and working groups convened by the National Science and Technology Council regarding such facilities and opportunities for partnership with other agencies in the design and construction of such facilities. For facilities in which research in multiple disciplines will be possible, the Director should include multiple units within the Foundation during the planning process.

Subtitle C—STEM Education and Workforce Training

SEC. 241. GRADUATE STUDENT SUPPORT.

(a) FINDING.—The Congress finds that—

(1) the Integrative Graduate Education and Research Traineeship program is an important program for training the next generation of scientists and engineers in team-based interdisciplinary research and problem solving, and for providing them with the many additional skills, such as communication skills, needed to thrive in diverse STEM careers; and

(2) the Integrative Graduate Education and Research Traineeship program is no less valuable to the preparation and support of graduate students than the Foundation's Graduate Research Fellowship program.

(b) EQUAL TREATMENT OF IGERT AND GRF.—Beginning in fiscal year 2011, the Director shall increase or, if necessary, decrease funding for the Foundation's Integrative Graduate Education and Research Traineeship program (or any program by which it is replaced) at least at the same rate as it increases or decreases funding for the Graduate Research Fellowship program.

(c) SUPPORT FOR GRADUATE STUDENT RESEARCH FROM THE RESEARCH ACCOUNT.—For each of the fiscal years 2011 through 2013, at least 50 percent of the total Foundation funds allocated to the Integrative Graduate Education and Research Traineeship program and the Graduate Research Fellowship program shall come from funds appropriated for Research and Related Activities.

(d) COST OF EDUCATION ALLOWANCE FOR GRF PROGRAM.—Section 10 of the National Science Foundation Act of 1950 (42 U.S.C. 1869) is amended—

(1) by inserting ''(a)'' before ''The Foundation is authorized''; and

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

''(b) The Director shall establish for each year the amount to be awarded for scholarships and fellowships under this section for that year. Each such scholarship and fellowship shall include a cost of education allowance of $12,000, subject to any restrictions on the use of cost of education allowance as determined by the Director.''.

SEC. 242. POSTDOCTORAL FELLOWSHIP IN STEM EDUCATION RESEARCH.

(a) IN GENERAL.—The Director shall establish postdoctoral fellowships in STEM education research to provide recent doctoral degree graduates in STEM fields with the necessary skills to assume leadership roles in STEM education research, program development, and evaluation in our Nation's diverse educational institutions.

(b) AWARDS.—

(1) DURATION.—Fellowships may be awarded under this section for a period of up to 24 months in duration, renewable for an additional 12 months. The Director shall establish criteria for eligibility for renewal of the fellowship.

(2) STIPEND.—The Director shall determine the amount of the award for a fellowship, which shall include a stipend and a research allowance, and may include an educational allowance.

(3) LOCATION.—A fellowship shall be awarded for research at any institution of higher education that offers degrees in fields supported by the Foundation, or at any institution or organization that the Director determines is eligible for education research grants from the Foundation.

(4) NUMBER OF AWARDS.—The Director may award up to 20 new fellowships per year.

(c) RESEARCH.—Fellowships under this section shall be awarded for research on STEM education at any educational level, including grades pre-K–12, undergraduate, graduate, and general public education, in both formal and informal settings. Research topics may include—

(1) learning processes and progressions;

(2) knowledge transfer, including curriculum development;

(3) uses of technology as teaching and learning tools;

(4) integrating STEM fields; and

(5) assessment of student learning and program evaluation.

(d) ELIGIBILITY.—To be eligible for a fellowship under this section, an individual must—

(1) be a United States citizen or national, or an alien lawfully admitted to the United States for permanent residence, at the time of application; and

(2) have received a doctoral degree in one of the STEM fields supported by the Foundation within 3 years prior to the fellowship application deadline.

(e) OUTREACH.—In carrying out the program under this section, the Director shall conduct outreach efforts to encourage applications from underrepresented groups.

SEC. 243. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

(a) MATCHING REQUIREMENT.—Section 10A(h)(1) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a(h)(1)) is amended to read as follows:

''(1) IN GENERAL.—An eligible entity receiving a grant under this section shall provide, from non-Federal sources, to carry out the activities supported by the grant—

''(A) in the case of grants in an amount of less than $1,500,000, an amount equal to at least 30 percent of the amount of the grant, at least one half of which shall be in cash; and

''(B) in the case of grants in an amount of $1,500,000 or more, an amount equal to at least 50 percent of the amount of the grant, at least one half of which shall be in cash.''.

(b) RETIRING STEM PROFESSIONALS.—Section 10A of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a) is amended in subsection (a)(2)(A) by inserting ''including retiring professionals in those fields,'' after ''mathematics professionals,''.

SEC. 244. INSTITUTIONS SERVING PERSONS WITH DISABILITIES.

For the purposes of the activities and programs supported by the Foundation, institutions of higher education chartered to serve large numbers of students with disabilities, including Gallaudet University, Landmark College, and the National Technical Institute for the Deaf, shall have a designation consistent with the designation for other institutions that serve populations underrepresented in STEM to ensure that institutions of higher education chartered to serve persons with disabilities can benefit from STEM bridge programs and from research partnerships with major research universities. Nothing in this section shall be construed to amend or otherwise affect any of the definitions for minority-serving institutions under title III or title V of the Higher Education Act of 1965.

SEC. 245. INSTITUTIONAL INTEGRATION.

(a) INNOVATION THROUGH INSTITUTIONAL INTEGRATION.—The Director shall award grants for the institutional integration of projects funded by the Foundation with a focus on education, or on broadening participation in STEM by underrepresented groups, for the purpose of increasing collaboration and coordination across funded projects and institutions and expanding the impact of such projects within and among institutions of higher education in an innovative and sustainable manner.

(b) PROGRAM ACTIVITIES.—The program under this section shall support integrative activities that involve the strategic and innovative combination of Foundation-funded projects and that provide for—

(1) additional opportunities to increase the recruitment, retention, and degree attainment of underrepresented groups in STEM disciplines;

(2) the inclusion of programming, practices, and policies that encourage the integration of education and research;

(3) seamless transitions from one educational level to another, including from a 2-year to a 4-year institution; and

(4) other activities that expand and deepen the impact of Foundation-funded projects with a focus on education, or on broadening participation in STEM by underrepresented groups, and enhance their sustainability.

(c) REVIEW CRITERIA.—In selecting recipients of grants under this section, the Director shall consider at a minimum—

(1) the extent to which the proposed project addresses the goals of project and program integration and adds value to the existing funded projects;

(2) the extent to which there is a proven record of success for the existing projects on which the proposed integration project is based; and

(3) the extent to which the proposed project addresses the modification of programming, practices, and policies necessary to achieve the purpose described in subsection (a).

(d) PRIORITY.—In selecting recipients of grants under this section, the Director shall give priority to proposals for which a senior institutional administrator, including a dean or other administrator of equal or higher rank, serves as the principal investigator.

SEC. 246. POSTDOCTORAL RESEARCH FELLOWSHIPS.

(a) IN GENERAL.—The Director shall establish a Foundation-wide postdoctoral research fellowship program, to award competitive, merit-based postdoctoral research fellowships in any field of research supported by the Foundation.

(b) DURATION AND AMOUNT.—Fellowships may be awarded under this section for a period of up to 3 years in duration. The Director shall determine the amount of the award for a fellowship, which shall include a stipend and a research allowance, and may include an educational allowance.

(c) ELIGIBILITY.—To be eligible to receive a fellowship under this section, an individual—

(1) must be a United States citizen or national, or an alien lawfully admitted to the United States for permanent residence, at the time of application;

(2) must have received a doctoral degree in any field of research supported by the Foundation within 3 years prior to the fellowship application deadline, or will complete a doctoral degree no more than 1 year after the application deadline; and

(3) may not have previously received funding as the principal investigator of a research grant from the Foundation, unless such funding was received as a graduate student.

(d) PRIORITY.—In evaluating applications for fellowships under this section, the Director shall give priority to applications that include—

(1) proposals for interdisciplinary research; or

(2) proposals for high-risk, high-reward research.

(e) ADDITIONAL CONSIDERATIONS.—

(1) IN GENERAL.—In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) and veterans.

(2) DEFINITION.—For purposes of this subsection, the term ''veteran'' means a person who—

(A) served on active duty (other than active duty for training) in the Armed Forces of the United States for a period of more than 180 consecutive days, and who was discharged or released therefrom under conditions other than dishonorable; or

(B) served on active duty (other than active duty for training) in the Armed Forces of the United States and was discharged or released from such service for a service-connected disability before serving 180 consecutive days.

For purposes of subparagraph (B), the term ''service-connected'' has the meaning given such term under section 101 of title 38, United States Code.

(f) NONSUBSTITUTION.—The fellowship program authorized under this section is not intended to replace or reduce support for postdoctoral research through existing programs at the Foundation.

(g) OUTREACH.—In carrying out the program under this section, the Director shall conduct outreach efforts to encourage applications from underrepresented groups.

SEC. 247. BROADENING PARTICIPATION TRAINING AND OUTREACH.

The Director shall provide education and training—

(1) to Foundation staff and grant proposal review panels on effective mechanisms and tools for broadening participation in STEM by underrepresented groups, including reviewer selection and mitigation of implicit bias in the review process; and

(2) to Foundation staff on related outreach approaches.

SEC. 248. TRANSFORMING UNDERGRADUATE EDUCATION IN STEM.

Section 17 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–6) is amended to read as follows:

''SEC. 17. TRANSFORMING UNDERGRADUATE EDUCATION IN STEM.

''(a) IN GENERAL.—The Director shall award grants, on a competitive, merit-reviewed basis, to institutions of higher education (or to consortia thereof) to reform undergraduate STEM education for the purpose of increasing the number and quality of students studying toward and completing baccalaureate degrees in STEM and improving the STEM learning outcomes for all undergraduate students, including through—

''(1) development, implementation, and assessment of innovative, research-based approaches to transforming the teaching and learning of disciplinary or interdisciplinary STEM at the undergraduate level; and

''(2) expansion of successful STEM reform efforts beyond a single course or group of courses to achieve reform within an entire academic unit, or expansion of successful reform efforts beyond a single academic unit to other STEM academic units within an institution or to comparable academic units at other institutions.

''(b) USES OF FUNDS.—Activities supported by grants under this section may include—

''(1) creation of multidisciplinary or interdisciplinary courses or programs that formalize collaborations for the purpose of improved student instruction and research in STEM;

''(2) expansion of undergraduate STEM research opportunities to include interdisciplinary research opportunities and research opportunities in industry, at Federal labs, and at international research institutions or research sites;

''(3) implementation or expansion of bridge programs, including programs that address student transition from 2-year to 4-year institutions, and cohort, tutoring, or mentoring programs proven to enhance student recruitment or persistence to degree completion in STEM, including recruitment or persistence to degree completion of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b);

''(4) improvement of undergraduate STEM education for nonmajors, including education majors;

''(5) implementation of evidence-based, technology-driven reform efforts that directly impact undergraduate STEM instruction or research experiences;

''(6) development and implementation of faculty and graduate teaching assistant development programs focused on improved instruction, mentoring, assessment of student learning, and support of undergraduate STEM students;

''(7) support for graduate students and postdoctoral fellows to participate in instructional or assessment activities at primarily undergraduate institutions;

''(8) research on teaching and learning of STEM at the undergraduate level related to the proposed reform effort, including assessment and evaluation of the proposed reform activities, research on scalability and sustainability of approaches to reform, and development and implementation of longitudinal studies of students included in the proposed reform effort; and

''(9) support for initiatives that advance the integration of global challenges such as sustainability into disciplinary and interdisciplinary STEM education.

''(c) PARTNERSHIP.—An institution of higher education may partner with one or more other nonprofit education or research organizations, including scientific and engineering societies, for the purposes of carrying out the activities authorized under this section.

''(d) SELECTION PROCESS.—

''(1) APPLICATIONS.—An institution of higher education seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

''(A) a description of the proposed reform effort;

''(B) a description of the research findings that will serve as the basis for the proposed reform effort or, in the case of applications that propose an expansion of a previously implemented reform effort, a description of the previously implemented reform effort, including indicators of success such as data on student recruitment, persistence to degree completion, and academic achievement;

''(C) evidence of institutional support for, and commitment to, the proposed reform effort, including long-term commitment to implement successful strategies from the current reform effort beyond the academic unit or units included in the grant proposal or to disseminate successful strategies to other institutions;

''(D) a description of existing or planned institutional policies and practices regarding faculty hiring, promotion, tenure, and teaching assignment that reward faculty contributions to undergraduate STEM education; and

''(E) a description of the plans for assessment and evaluation of the proposed reform activities, including evidence of participation by individuals with experience in assessment and evaluation of teaching and learning programs.

''(2) REVIEW OF APPLICATIONS.—In selecting grant recipients under this section, the Director shall consider at a minimum—

''(A) the likelihood of success in undertaking the proposed effort at the institution submitting the application, including the extent to which the faculty, staff, and administrators of the institution are committed to making the proposed institutional reform a priority of the participating academic unit or units;

''(B) the degree to which the proposed reform will contribute to change in institutional culture and policy such that a greater value is placed on faculty engagement in undergraduate education;

''(C) the likelihood that the institution will sustain or expand the reform beyond the period of the grant; and

''(D) the degree to which scholarly assessment and evaluation plans are included in the design of the reform effort, including the degree to which such assessment and evaluation contribute to the systematic accumulation of knowledge on STEM education.

''(3) PRIORITY.—For proposals that include an expansion of existing reform efforts beyond a single academic unit, the Director shall give priority to proposals for which a senior institutional administrator, including a dean or other administrator of equal or higher rank, serves as the principal investigator or a coprincipal investigator.

''(4) GRANT DISTRIBUTION.—The Director shall ensure, to the extent practicable, that grants awarded under this section are made to a variety of types of institutions of higher education.''.

SEC. 249. 21ST CENTURY GRADUATE EDUCATION.

(a) IN GENERAL.—The Director shall award grants, on a competitive, merit-reviewed basis, to institutions of higher education to implement or expand research-based reforms in master's and doctoral level STEM education that emphasize preparation for diverse careers utilizing STEM degrees, including at diverse types of institutions of higher education, in industry, and at government agencies and research laboratories.

(b) USES OF FUNDS.—Activities supported by grants under this section may include—

(1) creation of multidisciplinary or interdisciplinary courses or programs for the purpose of improved student instruction and research in STEM;

(2) expansion of graduate STEM research opportunities to include interdisciplinary research opportunities and research opportunities in industry, at Federal laboratories, and at international research institutions or research sites;

(3) development and implementation of future faculty training programs focused on improved instruction, mentoring, assessment of student learning, and support of undergraduate STEM students;

(4) support and training for graduate students to participate in instructional activities beyond the traditional teaching assistantship, and especially as part of ongoing educational reform efforts, including at pre-K–12 schools, informal science education institutions, and primarily undergraduate institutions;

(5) creation, improvement, or expansion of innovative graduate programs such as science master's degree programs;

(6) development and implementation of seminars, workshops, and other professional development activities that increase the ability of graduate students to engage in innovation, technology transfer, and entrepreneurship;

(7) development and implementation of seminars, workshops, and other professional development activities that increase the ability of graduate students to effectively communicate their research findings to technical audiences outside of their own discipline and to nontechnical audiences;

(8) expansion of successful STEM reform efforts beyond a single academic unit to other STEM academic units within an institution or to comparable academic units at other institutions; and

(9) research on teaching and learning of STEM at the graduate level related to the proposed reform effort, including assessment and evaluation of the proposed reform activities and research on scalability and sustainability of approaches to reform.

(c) PARTNERSHIP.—An institution of higher education may partner with one or more other nonprofit education or research organizations, including scientific and engineering societies, for the purposes of carrying out the activities authorized under this section.

(d) SELECTION PROCESS.—

(1) APPLICATIONS.—An institution of higher education seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

(A) a description of the proposed reform effort;

(B) in the case of applications that propose an expansion of a previously implemented reform effort at the applicant's institution or at other institutions, a description of the previously implemented reform effort;

(C) evidence of institutional support for, and commitment to, the proposed reform effort, including long-term commitment to implement successful strategies from the current reform effort beyond the academic unit or units included in the grant proposal or to disseminate successful strategies to other institutions; and

(D) a description of the plans for assessment and evaluation of the grant proposed reform activities.

(2) REVIEW OF APPLICATIONS.—In selecting grant recipients under this section, the Director shall consider at a minimum—

(A) the likelihood of success in undertaking the proposed effort at the institution submitting the application, including the extent to which the faculty, staff, and administrators of the institution are committed to making the proposed institutional reform a priority of the participating academic unit or units;

(B) the degree to which the proposed reform will contribute to change in institutional culture and policy such that a greater value is placed on preparing graduate students for diverse careers utilizing STEM degrees;

(C) the likelihood that the institution will sustain or expand the reform beyond the period of the grant; and

(D) the degree to which scholarly assessment and evaluation plans are included in the design of the reform effort.

(e) REPEAL.—Section 7034 of the America COMPETES Act (42 U.S.C. 1862o–13) is repealed.

SEC. 250. UNDERGRADUATE BROADENING PARTICIPATION PROGRAM.

(a) UNDERGRADUATE BROADENING PARTICIPATION PROGRAM.—The Foundation shall continue to support the Historically Black Colleges and Universities Undergraduate Program, the Louis Stokes Alliances for Minority Participation program, and the Tribal Colleges and Universities Program as separate programs at least through September 30, 2011.

(b) PLAN.—Prior to any realignment or consolidation of the programs described in subsection (a), in addition to the Hispanic-Serving Institutions Undergraduate Program required by section 7033 of the America COMPETES Act (42 U.S.C. 1862o–12), the Director shall develop a plan clarifying the objectives and rationale for such changes. The plan shall include a description of how such changes would result in—

(1) meeting or strengthening the common goal of the separate programs to increase the number of individuals from underrepresented groups attaining undergraduate STEM degrees; and

(2) addressing the unique needs of the different types of minority serving institutions and underrepresented groups currently provided for by the separate programs.

(c) RECOMMENDATIONS.—In the development of the plan required under subsection (b), the Director shall at a minimum—

(1) consider the recommendations and findings of the National Academy of Sciences report required by section 7032 of the America COMPETES Act (Public Law 110–69); and

(2) solicit recommendations and feedback from a wide range of stakeholders, including representatives from minority serving institutions, other institutions of higher education, and other entities with expertise on effective mechanisms to increase the recruitment and retention of members of underrepresented groups in STEM fields, and the attainment of STEM degrees by underrepresented groups.

(d) APPROVAL BY CONGRESS.—The plan developed under this section shall be transmitted to Congress at least 3 months prior to the implementation of any realignment or consolidation of the programs described in subsection (a).

SEC. 251. GRAND CHALLENGES IN EDUCATION RESEARCH.

(a) IN GENERAL.—The Director and the Secretary of Education shall collaborate, in consultation with the Director of the National Institutes of Health, in—

(1) identifying, prioritizing, and developing strategies to address grand challenges in research and development on the teaching and learning of STEM at the pre-K–12 level, in formal and informal settings, for diverse learning populations, including individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b), and students in rural schools;

(2) carrying out research and development to address the grand challenges identified in paragraph (1); and

(3) ensuring the dissemination of the results of such research and development.

(b) STAKEHOLDER INPUT.—In identifying the grand challenges required in subsection (a), the Director and the Secretary shall—

(1) take into consideration critical research gaps identified in existing reports, including reports by the National Academies, on the teaching and learning of STEM at the pre-K–12 level in formal and informal settings; and

(2) solicit input from a wide range of stakeholders, including local and State education officials, STEM teachers, STEM education researchers, scientific and engineering societies, STEM faculty at institutions of higher education, informal STEM education providers, businesses with a large STEM workforce, and other stakeholders in the teaching and learning of STEM at the pre-K–12 level, and may enter into an arrangement with the National Research Council for these purposes.

(c) TOPICS TO CONSIDER.—In identifying the grand challenges required in subsection (a), the Director and the Secretary, in order to provide students with increased access to rigorous courses of study in STEM, increase the number of students who are prepared for advanced study and careers in STEM, and increase the effective teaching of STEM subjects, shall at a minimum consider the following topics:

(1) Research on scalability, sustainability, and replication of successful STEM activities, programs, and models, in formal and informal environments.

(2) Research that utilizes a systems approach to identifying challenges and opportunities to improve the teaching and learning of STEM, including development and evaluation of model systems that support improved teaching and learning of STEM across entire school districts and States, and encompassing and integrating the teaching and learning of STEM in formal and informal venues, and in K–12 schools and institutions of higher education.

(3) Research to understand what makes a STEM teacher effective and pre-service and in-service STEM teacher training and professional development effective, including development of tools and methodologies to measure STEM teacher effectiveness.

(4) Research and development on cyber-enabled tools and programs and television based tools and programs for learning and teaching STEM, including development of tools and methodologies for assessing cyber and television enabled teaching and learning.

(5) Research and development on STEM teaching and learning in informal environments, including development of tools and methodologies for assessing STEM teaching and learning in informal environments.

(6) Research and development on how integrating engineering with mathematics and science education may—

(A) improve student learning of mathematics and science;

(B) increase student interest and persistence in STEM; or

(C) improve student understanding of engineering design principles and of the built world.

(7) Research to understand what makes hands-on, inquiry-based classroom experiences effective, including development of tools and methodologies for assessing such experiences.

(d) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Director and the Secretary shall report back to Congress with a description of—

(1) the grand challenges identified pursuant to this section;

(2) the role of each agency in supporting research and development activities to address the grand challenges;

(3) the common metrics that will be used to assess progress toward meeting the grand challenges;

(4) plans for periodically updating the grand challenges;

(5) how the agencies will disseminate the results of research and development activities carried out under this section to STEM education practitioners, to other Federal agencies that support STEM programs and activities, and to non-Federal funders of STEM education; and

(6) how the agencies will support implementation of best practices identified by the research and development activities.

SEC. 252. RESEARCH EXPERIENCES FOR UNDERGRADUATES.

(a) RESEARCH SITES.—The Director shall award grants, on a merit-reviewed, competitive basis, to institutions of higher education, nonprofit organizations, or consortia of such institutions and organizations, for sites designated by the Director to provide research experiences for 6 or more undergraduate STEM students for sites designated at primarily undergraduate institutions of higher education and 10 or more undergraduate STEM students for all other sites, with consideration given to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b). The Director shall ensure that—

(1) at least half of the students participating in a program funded by a grant under this subsection at each site shall be recruited from institutions of higher education where research opportunities in STEM are limited, including 2-year institutions;

(2) the awards provide undergraduate research experiences in a wide range of STEM disciplines;

(3) the awards support a variety of projects, including independent investigator-led projects, interdisciplinary projects, and multi-institutional projects (including virtual projects);

(4) students participating in each program funded have mentors, including during the

academic year to the extent practicable, to help connect the students' research experiences to the overall academic course of study and to help students achieve success in courses of study leading to a baccalaureate degree in a STEM field;

(5) mentors and students are supported with appropriate salary or stipends; and

(6) student participants are tracked, for employment and continued matriculation in STEM fields, through receipt of the undergraduate degree and for at least 3 years thereafter.

(b) INCLUSION OF UNDERGRADUATES IN STANDARD RESEARCH GRANTS.—The Director shall require that every recipient of a research grant from the Foundation proposing to include 1 or more students enrolled in certificate, associate, or baccalaureate degree programs in carrying out the research under the grant shall request support, including stipend support, for such undergraduate students as part of the research proposal itself rather than as a supplement to the research proposal, unless such undergraduate participation was not foreseeable at the time of the original proposal.

SEC. 253. LABORATORY SCIENCE PILOT PROGRAM.

Section 7026 of the America COMPETES Act (Public Law 110–69) is amended by striking subsections (d) and (e).

SEC. 254. STEM INDUSTRY INTERNSHIP PROGRAMS.

(a) IN GENERAL.—The Director may award grants, on a competitive, merit-reviewed basis, to institutions of higher education, or consortia thereof, to establish or expand partnerships with local or regional private sector entities, for the purpose of providing undergraduate students with integrated internship experiences that connect private sector internship experiences with the students' STEM coursework. Such partnerships may also include industry or professional associations.

(b) PRIORITY.—In awarding grants under this section, the Director shall give priority to institutions of higher education or consortia thereof that demonstrate significant outreach to and coordination with local or regional private sector entities in developing academic courses designed to provide students with the skills necessary for employment in local or regional companies.

(c) OUTREACH TO RURAL COMMUNITIES.—The Foundation shall conduct outreach to institutions of higher education and private sector entities in rural areas to encourage those entities to participate in partnerships under this section.

(d) COST-SHARE.—The Director shall require a 50 percent non-Federal cost-share from partnerships established or expanded under this section.

(e) RESTRICTION.—No Federal funds provided under this section may be used—

(1) for the purpose of providing stipends or compensation to students for private sector internships; or

(2) as payment or reimbursement to private sector entities, except for institutions of higher education.

(f) REPORT.—Not less than 3 years after the date of enactment of this Act, the Director shall submit a report to Congress on the number and total value of awards made under this section, the number of students affected by those awards, any evidence of the effect of those awards on workforce preparation and jobs placement for participating students, and an economic and ethnic breakdown of the participating students.

SEC. 255. TRIBAL COLLEGES AND UNIVERSITIES PROGRAM.

(a) IN GENERAL.—The Director shall continue to support a program to award grants on a competitive, merit-reviewed basis to tribal colleges and universities (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)), including institutions described in section 317 of such Act (20 U.S.C. 1059d), to enhance the quality of undergraduate STEM education at such institutions and to increase the retention and graduation rates of Native American students pursuing associate's or baccalaureate degrees in STEM.

(b) PROGRAM COMPONENTS.—Grants awarded under this section shall support—

(1) activities to improve courses and curriculum in STEM;

(2) faculty development;

(3) stipends for undergraduate students participating in research; and

(4) other activities consistent with subsection (a), as determined by the Director.

(c) INSTRUMENTATION.—Funding provided under this section may be used for instrumentation.

SEC. 256. CYBER-ENABLED LEARNING FOR NATIONAL CHALLENGES.

The Director shall, in consultation with appropriate Federal agencies, identify ways to use cyber-enabled learning to create an innovative STEM workforce and to help retrain and retain our existing STEM workforce to address national challenges, including national security and competitiveness.

SEC. 257. SENSE OF CONGRESS.

It is the sense of Congress that retaining graduate-level talent trained at American universities in Science, Technology, Engineering, and Mathematics (STEM) fields is critical to enhancing the competitiveness of American businesses.

TITLE III—STEM EDUCATION

SEC. 301. COORDINATION OF FEDERAL STEM EDUCATION.

(a) SHORT TITLE.—This section may be cited as the ''STEM Education Coordination Act of 2010''.

(b) DEFINITION.—In this section, the term ''STEM'' means science, technology, engineering, and mathematics.

(c) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish a committee under the National Science and Technology Council with the responsibility to coordinate Federal programs and activities in support of STEM education, including at the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Education, and all other Federal agencies that have programs and activities in support of STEM education.

(d) RESPONSIBILITIES OF THE COMMITTEE.—The committee established under subsection (c) shall—

(1) coordinate the STEM education activities and programs of the Federal agencies;

(2) develop, implement through the participating agencies, and update once every 5 years a 5-year STEM education strategic plan, which shall—

(A) specify and prioritize annual and long-term objectives;

(B) specify the common metrics that will be used to assess progress toward achieving the objectives;

(C) describe the approaches that will be taken by each participating agency to assess the effectiveness of its STEM education programs and activities;

(D) with respect to subparagraph (A), describe the role of each agency in supporting programs and activities designed to achieve the objectives;

(E) describe the approaches that will be taken by each agency to increase the participation of underrepresented minority groups in STEM studies and careers both for programs specifically designed to broaden participation and for all programs in general, including by providing for programs and activities that increase participation by individuals in these groups at all institutions, and by increasing the engagement of Historically Black Colleges and Universities and minority-serving institutions in the STEM education and outreach activities supported by the agencies; and

(F) describe the approaches that will be taken by each participating agency to conduct outreach designed to promote widespread public understanding of career opportunities in the STEM fields specific to the workforce needs of each agency, including outreach to women, Latinos, African-Americans, Native Americans, and other students from groups underrepresented in STEM;

(3) establish, periodically update, and maintain an inventory of federally sponsored STEM education programs and activities, including documentation of assessments of the effectiveness of such programs and activities and rates of participation by underrepresented minorities in such programs and activities; and

(4) establish and maintain a publically accessible online database of all federally sponsored STEM education programs and activities at all levels and for all audiences, including students, teachers, and the general public.

(e) RESPONSIBILITIES OF OSTP.—The Director of the Office of Science and Technology Policy shall encourage and monitor the efforts of the participating agencies to ensure that the strategic plan under subsection (d)(2) is developed and executed effectively and that the objectives of the strategic plan are met.

(f) REPORT.—The Director of the Office of Science and Technology Policy shall transmit a report annually to Congress at the time of the President's budget request describing the plan required under subsection (d)(2). The annual report shall include—

(1) a description of the STEM education programs and activities for the previous and current fiscal years, and the proposed programs and activities under the President's budget request, of each participating Federal agency;

(2) the levels of funding for each participating Federal agency for the programs and activities described under paragraph (1) for the previous fiscal year and under the President's budget request;

(3) except for the initial annual report, a description of the progress made in carrying out the implementation plan, including a description of the outcome of any program assessments completed in the previous year, and any changes made to that plan since the previous annual report; and

(4) a description of how the participating Federal agencies will disseminate information about federally supported resources for STEM education practitioners, including teacher professional development programs, to States and to STEM education practitioners, including to teachers and administrators in high-need schools, as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).

SEC. 302. ADVISORY COMMITTEE ON STEM EDUCATION.

(a) IN GENERAL.—The President shall establish or designate an advisory committee on science, technology, engineering, and mathematics (STEM) education.

(b) MEMBERSHIP.—The advisory committee established or designated by the President under subsection (a) shall be chaired by at least 2 members of the President's Council of Advisors on Science and Technology, with

the remaining advisory committee membership consisting of non-Federal members who are specially qualified to provide the President with advice and information on STEM education. Membership of the advisory committee, at a minimum, shall include individuals from the following categories of individuals and organizations:

(1) Elementary school and secondary school administrator associations.

(2) STEM educator professional associations.

(3) Organizations that provide informal STEM education activities.

(4) Institutions of higher education.

(5) Scientific and engineering professional societies.

(6) Business and industry associations.

(7) Foundations that fund STEM education activities.

(c) RESPONSIBILITIES.—The responsibilities of the advisory committee shall include—

(1) soliciting input from teachers and administrators in both public and private schools, local educational agencies, States, and other public and private STEM education stakeholder groups for the purpose of informing the Federal agencies that support STEM education programs on the STEM education needs of States and school districts, including the unique needs of schools in rural areas;

(2) soliciting input from all STEM education stakeholder groups regarding STEM education programs, including STEM education research programs, supported by Federal agencies;

(3) providing advice to the Federal agencies, including through the interagency committee established under section 301, that support STEM education programs on how their programs can be better aligned with the needs of States and school districts as identified in paragraph (1), consistent with the mission of each agency;

(4) offering guidance to the President on current STEM education activities, research findings, and best practices, with the purpose of increasing connectivity between public and private STEM education efforts;

(5) providing advice to Federal agencies on how their STEM technical training and education programs can be better aligned with the workforce needs of States and regions; and

(6) facilitating improved coordination between federally supported STEM education programs and activities and State level activities, including the efforts of P–16 and P–20 councils in the States.

(d) DEFINITIONS.—For purposes of this section:

(1) P–16.—The term ''P–16'' refers to a system of education that encompasses preschool through undergraduate level education.

(2) P–20.—The term ''P–20'' refers to a system of education that encompasses preschool through graduate level education.

SEC. 303. STEM EDUCATION AT THE DEPARTMENT OF ENERGY.

(a) DEFINITIONS.—Section 5002 of the America COMPETES Act (42 U.S.C. 16531) is amended—

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

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

''(2) ENERGY SYSTEMS SCIENCE AND ENGINEERING.—The term 'energy systems science and engineering' means—

''(A) nuclear science and engineering, including—

''(i) nuclear engineering;

''(ii) nuclear chemistry;

''(iii) radiochemistry; and

''(iv) health physics;

''(B) hydrocarbon system science and engineering, including—

''(i) petroleum or reservoir engineering;

''(ii) environmental geoscience;

''(iii) petrophysics;

''(iv) geophysics;

''(v) geochemistry;

''(vi) petroleum geology;

''(vii) ocean engineering;

''(viii) environmental engineering; and

''(ix) carbon capture and sequestration science and engineering;

''(C) energy efficiency and renewable energy technology systems science and engineering, including with respect to—

''(i) solar technology systems;

''(ii) wind technology systems;

''(iii) buildings technology systems;

''(iv) transportation technology systems;

''(v) hydropower systems;

''(vi) marine and hydrokinetic technology systems;

''(vii) geothermal systems; and

''(viii) biomass technology systems; and

''(D) energy storage and distribution systems science and engineering, including with respect to—

''(i) energy storage; and

''(ii) energy delivery.''.

(b) SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION PROGRAMS.—Subpart B of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381g et seq.) is amended—

(1) in section 3170—

(A) by amending paragraph (1) to read as follows:

''(1) DIRECTOR.—The term 'Director' means the Director of STEM Education appointed or designated under section 3171(c)(1).'';

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

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

''(2) ENERGY SYSTEMS SCIENCE AND ENGINEERING.—The term 'energy systems science and engineering' means—

''(A) nuclear science and engineering, including—

''(i) nuclear engineering;

''(ii) nuclear chemistry;

''(iii) radiochemistry; and

''(iv) health physics;

''(B) hydrocarbon system science and engineering, including—

''(i) petroleum or reservoir engineering;

''(ii) environmental geoscience;

''(iii) petrophysics;

''(iv) geophysics;

''(v) geochemistry;

''(vi) petroleum geology;

''(vii) ocean engineering;

''(viii) environmental engineering; and

''(ix) carbon capture and sequestration science and engineering;

''(C) energy efficiency and renewable energy technology systems science and engineering, including with respect to—

''(i) solar technology systems;

''(ii) wind technology systems;

''(iii) buildings technology systems;

''(iv) transportation technology systems;

''(v) hydropower systems;

''(vi) marine and hydrokinetic technology systems;

''(vii) geothermal systems; and

''(viii) biomass technology systems; and

''(D) energy storage and distribution systems science and engineering, including with respect to—

''(i) energy storage; and

''(ii) energy delivery.''; and

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

''(4) STEM.—The term 'STEM' means science, technology, engineering, and mathematics.'';

(2) by striking chapters 1, 2, 3, 4, and 6;

(3) by inserting after section 3170 the following new chapter:

''CHAPTER 1—STEM EDUCATION

''SEC. 3171. STEM EDUCATION.

''(a) IN GENERAL.—The Secretary of Energy shall develop, conduct, support, promote, and coordinate formal and informal educational activities that leverage the Department's unique content expertise and facilities to contribute to improving STEM education at all levels in the United States, and to enhance awareness and understanding of STEM, including energy sciences, in order to create a diverse skilled scientific and technical workforce essential to meeting the challenges facing the Department and the Nation in the 21st century.

''(b) PROGRAMS.—The Secretary shall carry out evidence-based programs designed to increase student interest and participation, including by women and underrepresented minority students, improve public literacy and support, and improve the teaching and learning of energy systems science and engineering and other STEM disciplines supported by the Department. Programs authorized under this subsection may include—

''(1) informal educational programming designed to excite and inspire students and the general public about energy systems science and engineering and other STEM disciplines supported by the Department, while strengthening their content knowledge in these fields;

''(2) teacher training and professional development opportunities for pre-service and in-service elementary and secondary teachers designed to increase the content knowledge of teachers in energy systems science and engineering and other STEM disciplines supported by the Department, including through hands-on research experiences;

''(3) research opportunities for secondary school students, including internships at the National Laboratories, that provide secondary school students with hands-on research experiences as well as exposure to working scientists;

''(4) research opportunities at the National Laboratories for undergraduate and graduate students pursuing degrees in energy systems science and engineering and other STEM disciplines supported by the Department;

''(5) competitive scholarships, fellowships, and traineeships for undergraduate and graduate students in energy systems science and engineering and other STEM disciplines supported by the Department;

''(6) competitive grants for institutions of higher education (as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), including 2-year institutions of higher education, to establish or expand degree programs or courses in energy systems science and engineering; and

''(7) professional training for energy auditors, field technicians, and building contractors, in the areas of building energy retrofits and audits or related renewable energy technology installations.

''(c) ORGANIZATION OF STEM EDUCATION PROGRAMS.—

''(1) DIRECTOR OF STEM EDUCATION.—The Secretary shall appoint or designate a Director of STEM Education, who shall have the principal responsibility to oversee and coordinate all programs and activities of the Department in support of STEM education, including energy systems science and engineering education, across all functions of the Department.

''(2) QUALIFICATIONS.—The Director shall be an individual, who by reason of professional background and experience, is specially qualified to advise the Secretary on all matters pertaining to STEM education, including energy systems science and engineering education, at the Department.

''(3) DUTIES.—The Director shall—

''(A) oversee and coordinate all programs in support of STEM education, including energy systems science and engineering education, across all functions of the Department;

''(B) represent the Department as the principal interagency liaison for all STEM education programs, unless otherwise represented by the Secretary, the Under Secretary for Science, or the Under Secretary for Energy;

''(C) prepare the annual budget and advise the Under Secretary for Science and the Under Secretary for Energy on all budgetary issues for STEM education, including energy systems science and engineering education, relative to the programs of the Department;

''(D) establish, periodically update, and maintain a publicly accessible online inventory of STEM education programs and activities, including energy systems science and engineering education programs and activities;

''(E) develop, implement, and update the Department of Energy STEM education strategic plan, as required by subsection (d);

''(F) increase, to the maximum extent practicable, the participation and advancement of women and underrepresented minorities at every level of STEM education, including energy systems science and engineering education; and

''(G) perform such other matters relating to STEM education as are required by the Secretary, the Under Secretary for Science, or the Under Secretary for Energy.

''(d) DEPARTMENT OF ENERGY STEM EDUCATION STRATEGIC PLAN.—The Director of STEM education appointed or designated under subsection (c)(1) shall develop, implement, and update once every 3 years a 3-year STEM education strategic plan for the Department, which shall—

''(1) identify and prioritize annual and long-term STEM education goals and objectives for the Department that are aligned with the overall goals of the National Science and Technology Council Committee on STEM Education Strategic plan required under section 301(d)(2) of the STEM Education Coordination Act of 2010;

''(2) describe the role of each program or activity of the Department in contributing to the goals and objectives identified under paragraph (1);

''(3) specify the metrics that will be used to assess progress toward achieving those goals and objectives; and

''(4) describe the approaches that will be taken to assess the effectiveness of each STEM education program and activity supported by the Department.

''(e) OUTREACH TO STUDENTS FROM UNDERREPRESENTED GROUPS.—In carrying out a program authorized under this section, the Secretary shall give consideration to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

''(f) CONSULTATION AND PARTNERSHIP WITH OTHER AGENCIES.—In carrying out the programs and activities authorized under this section, the Secretary shall—

''(1) consult with the Secretary of Education and the Director of the National Science Foundation regarding activities designed to improve elementary and secondary STEM education; and

''(2) consult and partner with the Director of the National Science Foundation in carrying out programs under this section designed to build capacity in STEM education at the undergraduate and graduate level, including by supporting excellent proposals in energy systems science and engineering that are submitted for funding to the Foundation's Advanced Technological Education Program.''; and

(4) in section 3191—

(A) in subsection (a)—

(i) by striking ''web-based'' and inserting '', through a publicly available website,''; and

(ii) by inserting ''and project-based learning opportunities'' after ''laboratory experiments'';

(B) in subsection (b)(1), by inserting '', including energy systems science and engineering'' after ''the science of energy''; and

(C) by striking subsection (d).

(c) ENERGY APPLIED SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.—

(1) AMENDMENT.—Strike sections 5004 and 5005 of the America COMPETES Act (42 U.S.C. 16532 and 16533) and insert the following new section:

''SEC. 5004. ENERGY APPLIED SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.

''(a) PURPOSES.—The purposes of this section are—

''(1) to address the decline in the number of and resources available to energy systems science and engineering programs at institutions of higher education, including community colleges; and

''(2) to increase the number of graduates with degrees in energy systems science and engineering, an area of strategic importance to the economic competitiveness and energy security of the United States.

''(b) ESTABLISHMENT.—The Secretary shall award grants, on a competitive, merit-reviewed basis, to institutions of higher education to implement or expand the energy systems science and engineering educational and technical training capabilities of the institution, and to provide merit-based financial support for master's and doctoral level students pursuing courses of study and research in energy systems sciences and engineering.

''(c) USE OF FUNDS.—An institution of higher education that receives a grant under this section may use the grant to—

''(1) provide traineeships, including stipends and cost of education allowances, to master's and doctoral students;

''(2) develop or expand multidisciplinary or interdisciplinary courses or programs;

''(3) recruit and retain new faculty;

''(4) develop or improve core and specialized course content;

''(5) encourage interdisciplinary and multidisciplinary research collaborations;

''(6) support outreach efforts to recruit students, including individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b); and

''(7) pursue opportunities for collaboration with industry and National Laboratories.

''(d) CRITERIA.—Criteria for awarding a grant under this section shall be based on—

''(1) the potential to attract new students to the program;

''(2) academic rigor; and

''(3) the ability to offer hands-on education and training opportunities for graduate students in the emerging areas of energy systems science and engineering.

''(e) PRIORITY.—The Secretary shall give priority to proposals that involve active partnerships with a National Laboratory or other energy systems science and engineering related entity, as determined by the Secretary.

''(f) DURATION AND AMOUNT.—

''(1) DURATION.—A grant under this section may be for up to 3 years in duration.

''(2) AMOUNT.—An institution of higher education that receives a grant under this section shall be eligible for up to $1,000,000 for each year of the grant period.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

''(1) $30,000,000 for fiscal year 2011;

''(2) $32,000,000 for fiscal year 2012; and

''(3) $36,000,000 for fiscal year 2013.''.

(2) CONFORMING AMENDMENT.—The table of contents for the America COMPETES Act is amended by striking the items relating to sections 5004 and 5005 and inserting the following:

''Sec. 5004. Energy applied science talent expansion program for institutions of higher education.''.

(d) DEPARTMENT OF ENERGY EARLY CAREER AWARDS FOR SCIENCE, ENGINEERING, AND MATHEMATICS RESEARCHERS.—Section 5006 of the America COMPETES Act (42 U.S.C. 16534) is amended—

(1) in subsection (a), by striking ''Director of the Office'' and all that follows through ''shall carry'' and inserting ''Secretary shall carry'';

(2) in subsection (b)(1)—

(A) in subparagraph (A), by inserting ''per year'' after ''$80,000''; and

(B) in subparagraph (B), by striking ''$125,000'' and inserting ''$175,000 per year'';

(3) in subsection (c)(1), by striking '', as determined by the Director'';

(4) in subsections (c)(2), (e), (f), and (g), by striking ''Director'' each place it appears and inserting ''Secretary'';

(5) in subsection (d), by striking ''merit-reviewed'' and inserting ''merit-based, peer reviewed''; and

(6) in subsection (h)—

(A) by striking '', acting through the Director,''; and

(B) by striking ''$25,000,000 for each of fiscal years 2008 through 2010'' and inserting ''such sums as are necessary''.

(e) PROTECTING AMERICA'S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.—Section 5009 of the America COMPETES Act (42 U.S.C. 16536) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''involving written and oral interviews, that will result in a wide distribution of awards throughout the United States,''; and

(B) in paragraph (2)(B)(iv), by striking ''verbal and'';

(2) in subsection (d)(1)(B)(i), by inserting ''partial or full'' before ''graduate tuition''; and

(3) by striking subsection (f).

(f) REPEAL.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is repealed.

SEC. 304. GREEN ENERGY EDUCATION.

(a) SHORT TITLE.—This section may be cited as the ''Green Energy Education Act of 2010''.

(b) DEFINITION.—For the purposes of this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(2) HIGH PERFORMANCE BUILDING.—The term ''high performance building'' has the meaning given that term in section 914(a) of the Energy Policy Act of 2005 (42 U.S.C. 16194(a)).

(c) GRADUATE TRAINING IN ENERGY RESEARCH AND DEVELOPMENT.—

(1) FUNDING.—In carrying out research, development, demonstration, and commercial application activities authorized for the Department of Energy, the Secretary may contribute funds to the National Science Foundation for the Integrative Graduate Education and Research Traineeship program to support projects that enable graduate education related to such activities.

(2) CONSULTATION.—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in paragraph (1).

(d) CURRICULUM DEVELOPMENT FOR HIGH PERFORMANCE BUILDING DESIGN.—

(1) FUNDING.—In carrying out advanced energy technology research, development, demonstration, and commercial application activities authorized for the Department of Energy related to high performance buildings, the Secretary may contribute funds to curriculum development activities at the National Science Foundation for the purpose of improving undergraduate or graduate interdisciplinary engineering and architecture education related to the design and construction of high performance buildings, including development of curricula, of laboratory activities, of training practicums, or of design projects. A primary goal of curriculum development activities supported under this subsection shall be to improve the ability of engineers, architects, landscape architects, and planners to work together on the incorporation of advanced energy technologies during the design and construction of high performance buildings.

(2) CONSULTATION.—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in paragraph (1).

(3) PRIORITY.—In awarding grants with respect to which the Secretary has contributed funds under this subsection, the Director shall give priority to applications from departments, programs, or centers of a school of engineering that are partnered with schools, departments, or programs of design, architecture, landscape architecture, and city, regional, or urban planning.

SEC. 305. NATIONAL ACADEMY OF SCIENCES REPORT ON STRENGTHENING THE CAPACITY OF 2-YEAR INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE STEM OPPORTUNITIES.

Not later than 6 months after the date of enactment of this Act, the Office of Science and Technology Policy shall enter into a contract with the National Academy of Sciences to carry out a study evaluating the role of 2-year institutions of higher education as STEM educators, including in the preparation of students for direct entry into the STEM workforce and in preparation of students for transition into 4-year STEM degree programs, as well as the role of the Federal Government in helping 2-year institutions of higher education build their capacity to be effective STEM educators. At a minimum, the report shall include—

(1) an evaluation of the current capacity of 2-year institutions of higher education to be effective STEM educators, including in the preparation of students for direct entry into the STEM workforce and for transition into 4-year STEM degree programs;

(2) a description of existing challenges to expanding opportunities for 2-year institutions of higher education to provide and enhance STEM learning and provide STEM degrees that prepare students well for direct entry into the STEM workforce or for transition into 4-year degree programs;

(3) identification and description of Federal programs that have successfully strengthened the capacity of 2-year institutions of higher education to provide and enhance STEM opportunities;

(4) a recommendation or recommendations regarding how Federal agencies should set priorities for supporting STEM education at 2-year institutions of higher education;

(5) a recommendation or recommendations regarding ways Federal agencies can provide increased opportunities for 2-year institutions of higher education to participate across their portfolios of STEM education and research programs, including—

(A) ways to engage 2-year institution of higher education faculty and students with research experiences;

(B) strategies for improving the curriculum and teaching of developmental mathematics given that many 2-year institutions of higher education provide remediation in mathematics and other STEM coursework; and

(C) enhancing the basic scientific laboratory infrastructure; and

(6) a recommendation or recommendations regarding the need for and appropriateness of new Federal programs in support of STEM education at 2-year institutions of higher education.

SEC. 306. SENSE OF CONGRESS ON ENGINEERING EDUCATION.

It is the Sense of Congress that—

(1) in order to maintain our Nation's competitiveness, we must improve the quality of STEM education in the Nation;

(2) the incorporation of engineering education at the elementary and secondary levels has the potential to improve student learning and achievement in science and mathematics, and to increase the technological literacy of all students;

(3) formal and informal educational providers, including K–12 schools, should integrate engineering design principles into their curriculum; and

(4) exposing elementary and secondary students to engineering education can expand students' understanding of engineering and their awareness of career opportunities in these fields.

SEC. 307. SENSE OF CONGRESS ON GRANT APPLICATION CONSIDERATION.

For science, technology, engineering, and mathematics (STEM) education programs or activities authorized under this Act or amendments made by this Act, it is the sense of Congress that when more than 1 applicant is competing for the same grant and the applications from each applicant are considered equal in merit by the grant-awarding authority, the grant-awarding authority shall give additional consideration to any of the following:

(1) An applicant that has not previously received funding.

(2) An applicant that is an institution of higher education in a rural area.

SEC. 308. ENCOURAGING FEDERAL SCIENTISTS AND ENGINEERS TO PARTICIPATE IN STEM EDUCATION.

Not later than 6 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with the Department of Education, shall develop a policy to—

(1) increase volunteerism in STEM education activities by encouraging scientists and engineers from Federal science agencies conducting nonmilitary scientific research and development, including scientists and engineers of the federally funded research and development centers supported by those agencies, to volunteer in STEM education activities, and by providing administrative support for such scientists and engineers to engage in such volunteerism; and

(2) support increased communication and partnerships between scientists and engineers from Federal science agencies conducting nonmilitary scientific research and development, including scientists and engineers of the federally funded research and development centers supported by those agencies, and elementary and secondary schools and teachers through volunteerism in STEM education activities.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SEC. 401. SHORT TITLE.

This title may be cited as the ''National Institute of Standards and Technology Authorization Act of 2010''.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2011.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $991,100,000 for the National Institute of Standards and Technology for fiscal year 2011.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $620,000,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $125,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) $246,100,000 shall be authorized for industrial technology services activities, of which—

(i) $95,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) $141,100,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) $10,000,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(b) FISCAL YEAR 2012.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $992,400,000 for the National Institute of Standards and Technology for fiscal year 2012.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $657,200,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $85,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) $250,200,000 shall be authorized for industrial technology services activities, of which—

(i) $89,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) $150,900,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) $10,300,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(c) FISCAL YEAR 2013.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $1,079,809,000 for the National Institute of Standards and Technology for fiscal year 2013.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $696,700,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $122,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) $261,109,000 shall be authorized for industrial technology services activities, of which—

(i) $89,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) $161,500,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) $10,609,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-

Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

SEC. 403. UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.

(a) ESTABLISHMENT.—Section 4 of the National Institute of Standards and Technology Act is amended to read as follows:

''SEC. 4. UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.

''(a) ESTABLISHMENT.—There shall be in the Department of Commerce an Under Secretary of Commerce for Standards and Technology (in this section referred to as the 'Under Secretary').

''(b) APPOINTMENT.—The Under Secretary shall be appointed by the President by and with the advice and consent of the Senate.

''(c) COMPENSATION.—The Under Secretary shall be compensated at the rate in effect for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(d) DUTIES.—The Under Secretary shall serve as the Director of the Institute and shall perform such duties as required of the Director by the Secretary under this Act or by law.

''(e) APPLICABILITY.—The individual serving as the Director of the Institute on the date of enactment of the National Institute of Standards and Technology Authorization Act of 2010 shall also serve as the Under Secretary until such time as a successor is appointed under subsection (b).''.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 5, UNITED STATES CODE.—

(A) LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting before the item ''Associate Attorney General'' the following:

''Under Secretary of Commerce for Standards and Technology, who also serves as Director of the National Institute of Standards and Technology.''.

(B) LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking ''Director, National Institute of Standards and Technology, Department of Commerce.''.

(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 5 of the National Institute of Standards and Technology Act (15 U.S.C. 274) is amended by striking the first, fifth, and sixth sentences.

SEC. 404. REORGANIZATION OF NIST LABORATORIES.

(a) ORGANIZATION.—The Director shall reorganize the scientific and technical research and services laboratory program into the following operational units:

(1) The Physical Measurement Laboratory, whose mission is to realize and disseminate the national standards for length, mass, time and frequency, electricity, temperature, force, and radiation by activities including fundamental research in measurement science, the provision of measurement services and standards, and the provision of testing facilities resources for use by the Federal Government.

(2) The Information Technology Laboratory, whose mission is to develop and disseminate standards, measurements, and testing capabilities for interoperability, security, usability, and reliability of information technologies, including cyber security standards and guidelines for Federal agencies, United States industry, and the public, through fundamental and applied research in computer science, mathematics, and statistics.

(3) The Engineering Laboratory, whose mission is to develop and disseminate advanced manufacturing and construction technologies to the United States manufacturing and construction industries through activities including measurement science research, performance metrics, tools for engineering applications, and promotion of standards adoption.

(4) The Material Measurement Laboratory, whose mission is to serve as the national reference laboratory in biological, chemical, and material sciences and engineering through activities including fundamental research in the composition, structure, and properties of biological and environmental materials and processes, the development of certified reference materials and critically evaluated data, and other programs to assure measurement quality in materials and biotechnology fields.

(5) The Center for Nanoscale Science and Technology, a national shared-use facility for nanoscale fabrication and measurement, whose mission is to develop innovative nanoscale measurement and fabrication capabilities to support researchers from industry, institutions of higher education, the National Institute of Standards and Technology, and other Federal agencies in nanoscale technology from discovery to production.

(6) The NIST Center for Neutron Research, a national user facility, whose mission is to provide neutron-based measurement capabilities to researchers from industry, institutions of higher education, the National Institute of Standards and Technology, and other Federal agencies in support of materials research, nondestructive evaluation, neutron imaging, chemical analysis, neutron standards, dosimetry, and radiation metrology.

(b) ADDITIONAL DUTIES.—The Director may assign additional duties to the operational units listed in subsection (a) that are consistent with the missions of such units.

(c) REVISION.—

(1) IN GENERAL.—Subsequent to the reorganization required under subsection (a), the Director may revise the organization of the scientific and technical research and services laboratory program.

(2) REPORT TO CONGRESS.—Any revision to the organization of such program under paragraph (1) shall be submitted in a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 60 days before the effective date of such revision.

SEC. 405. FEDERAL GOVERNMENT STANDARDS AND CONFORMITY ASSESSMENT COORDINATION.

(a) COORDINATION.—Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) in paragraph (12), by striking ''and'' after the semicolon;

(2) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(3) by adding after paragraph (13) the following:

''(14) to promote collaboration among Federal departments and agencies and private sector stakeholders in the development and implementation of standards and conformity assessment frameworks to address specific Federal Government policy goals; and

''(15) to convene Federal departments and agencies, as appropriate, to—

''(A) coordinate and determine Federal Government positions on specific policy issues related to the development of international technical standards and conformity assessment-related activities; and

''(B) coordinate Federal department and agency engagement in the development of international technical standards and conformity assessment-related activities.''.

(b) REPORT.—The Director, in consultation with appropriate Federal agencies, shall submit a report annually to Congress addressing the Federal Government's technical standards and conformity assessment-related activities. The report shall identify—

(1) current and anticipated international standards and conformity assessment-related issues that have the potential to impact the competitiveness and innovation capabilities of the United States;

(2) any action being taken by the Federal Government to address these issues and the Federal agency taking that action; and

(3) any action that the Director is taking or will take to ensure effective Federal Government engagement on technical standards and conformity assessment-related issues, as appropriate, where the Federal Government is not effectively engaged.

SEC. 406. MANUFACTURING EXTENSION PARTNERSHIP.

(a) COMMUNITY COLLEGE SUPPORT.—Section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding after paragraph (5) the following:

''(6) providing to community colleges information about the job skills needed in small- and medium-sized manufacturing businesses in the regions they serve.''.

(b) INNOVATIVE SERVICES INITIATIVE.—Section 25 of such Act (15 U.S.C. 278k) is amended by adding at the end the following:

''(g) INNOVATIVE SERVICES INITIATIVE.—

''(1) ESTABLISHMENT.—The Director may establish, within the Centers program under this section, an innovative services initiative to assist small- and medium-sized manufacturers in—

''(A) reducing their energy usage and environmental waste to improve profitability; and

''(B) accelerating the domestic commercialization of new product technologies, including components for renewable energy systems.

''(2) MARKET DEMAND.—The Director may not undertake any activity to accelerate the domestic commercialization of a new product technology under this subsection unless an analysis of market demand for the new product technology has been conducted.''.

(c) REPORTS.—Section 25 of such Act (15 U.S.C. 278k) is further amended by adding after subsection (g), as added by subsection (b), the following:

''(h) REPORTS.—

''(1) IN GENERAL.—In submitting the 3-year programmatic planning document and annual updates under section 23, the Director shall include an assessment of the Director's governance of the program established under this section.

''(2) CRITERIA.—In conducting such assessment, the Director shall use the criteria established pursuant to the Malcolm Baldrige National Quality Award under section 17(d)(1)(C) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(d)(1)(C)).''.

(d) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP PROGRAM COST-SHARING.—Section 25(c) of such Act (15 U.S.C. 278k(c)) is amended by adding at the end the following:

''(7) Notwithstanding paragraphs (1), (3), and (5), for fiscal year 2011 through fiscal year 2013, the Secretary may not provide to a Center more than 50 percent of the costs incurred by such Center and may not require that a Center's cost share exceed 50 percent.

''(8) Not later than 2 years after the date of enactment of the National Institute of Standards and Technology Authorization Act of 2010, the Secretary shall submit to Congress a report on the cost share requirements under the program. The report shall—

''(A) discuss various cost share structures, including the cost share structure in place prior to such date of enactment and the cost share structure in place under paragraph (7),

and the effect of such cost share structures on individual Centers and the overall program; and

''(B) include a recommendation for how best to structure the cost share requirement after fiscal year 2013 to provide for the long-term sustainability of the program.''.

(e) ADVISORY BOARD.—Section 25(e)(4) of such Act (15 U.S.C. 278k(e)(4)) is amended to read as follows:

''(4) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—

''(A) IN GENERAL.—In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

''(B) EXCEPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the MEP Advisory Board.''.

(f) DEFINITIONS.—Section 25 of such Act (15 U.S.C. 278k) is further amended by adding after subsection (h), as added by subsection (c), the following:

''(i) DEFINITION.—In this section, the term 'community college' means an institution of higher education (as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) at which the highest degree that is predominately awarded to students is an associate's degree.''.

(g) EVALUATION OF OBSTACLES UNIQUE TO SMALL MANUFACTURERS.—Section 25 of such Act (15 U.S.C. 278k) is further amended by adding after subsection (i), as added by subsection (f), the following:

''(j) EVALUATION OF OBSTACLES UNIQUE TO SMALL MANUFACTURERS.—The Director shall—

''(1) evaluate obstacles that are unique to small manufacturers that prevent such manufacturers from effectively competing in the global market;

''(2) implement a comprehensive plan to train the Centers to address such obstacles; and

''(3) facilitate improved communication between the Centers to assist such manufacturers in implementing appropriate, targeted solutions to such obstacles.''.

SEC. 407. EMERGENCY COMMUNICATION AND TRACKING TECHNOLOGIES RESEARCH INITIATIVE.

(a) ESTABLISHMENT.—The Director shall establish a research initiative to support the development of emergency communication and tracking technologies for use in locating trapped individuals in confined spaces, such as underground mines, and other shielded environments, such as high-rise buildings or collapsed structures, where conventional radio communication is limited.

(b) ACTIVITIES.—In order to carry out this section, the Director shall work with the private sector and appropriate Federal agencies to—

(1) perform a needs assessment to identify and evaluate the measurement, technical standards, and conformity assessment needs required to improve the operation and reliability of such emergency communication and tracking technologies;

(2) support the development of technical standards and conformance architecture to improve the operation and reliability of such emergency communication and tracking technologies; and

(3) incorporate and build upon existing reports and studies on improving emergency communications.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director shall submit to Congress and make publicly available a report describing the assessment performed under subsection (b)(1) and making recommendations about research priorities to address gaps in the measurement, technical standards, and conformity assessment needs identified by such assessment.

SEC. 408. TIP ADVISORY BOARD.

Section 28(k)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(k)(4)) is amended to read as follows:

''(4) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—

''(A) IN GENERAL.—In discharging its duties under this subsection, the TIP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

''(B) EXCEPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the TIP Advisory Board.''.

SEC. 409. UNDERREPRESENTED MINORITIES.

(a) RESEARCH FELLOWSHIPS.—Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended by adding at the end the following:

''(c) UNDERREPRESENTED MINORITIES.—In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.''.

(b) POSTDOCTORAL FELLOWSHIP PROGRAM.—Section 19 of such Act (15 U.S.C. 278g–2) is amended by adding at the end the following: ''In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.''.

(c) TEACHER DEVELOPMENT.—Section 19A(c) of such Act (15 U.S.C. 278g–2a(c)) is amended by adding at the end the following: ''The Director shall give special consideration to an application from a teacher from a high-need school, as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).''.

SEC. 410. CYBER SECURITY STANDARDS AND GUIDELINES.

Cyber security standards and guidelines developed by the National Institute of Standards and Technology for use by United States industry and the public shall be voluntary.

SEC. 411. DISASTER RESILIENT BUILDINGS AND INFRASTRUCTURE.

(a) ESTABLISHMENT.—The Director shall carry out a disaster resilient buildings and infrastructure program.

(b) REAL-SCALE STRUCTURES.—As part of the program, the Director shall—

(1) develop the capability to test real-scale structures under realistic fire and structural loading conditions; and

(2) assist in the validation of predictive models by developing a database on the performance of large-scale structures under realistic fire and structural loading conditions.

(c) DATABASE.—As part of the program, the Director shall develop a database on the performance of the built environment during natural and man-made hazard events.

SEC. 412. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Institute of Standards and Technology.

(2) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703).

SEC. 413. REPORT ON THE USE OF MODELING AND SIMULATION.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Director shall submit a report to Congress examining the use of high-performance computational modeling and simulation by small- and medium-sized manufacturers.

(b) SPECIFIC REQUIREMENTS.—Such report shall include the following:

(1) An assessment of the current utilization of high-performance computational modeling and simulation by small- and medium-sized manufacturers.

(2) An examination of any barriers or challenges to the use of high-performance computational modeling and simulation by small- and medium-sized manufacturers, including—

(A) access to high-performance computing facilities and resources;

(B) the availability of software and other applications tailored to meet the needs of such manufacturers;

(C) appropriate expertise and training; and

(D) the availability of tools and other methods to understand and manage the costs and risks associated with transitioning to the use of computational modeling and simulation.

(3) Recommendations for addressing any barriers or challenges identified in paragraph (2) and, if appropriate, suggestions for action that the Federal Government may take to foster the development and utilization of high-performance computing resources by small- and medium-sized manufacturers.

(c) CONSULTATION.—In carrying out this section, the Director shall consult with the Office of Science and Technology Policy and with other relevant Federal agencies.

SEC. 414. GREEN MANUFACTURING AND CONSTRUCTION.

The Director shall carry out a green manufacturing and construction initiative to—

(1) develop accurate sustainability metrics and practices for use in manufacturing;

(2) advance the development of standards and the creation of an information infrastructure to communicate sustainability information about suppliers; and

(3) improve energy performance, service life, and indoor air quality of new and retrofitted buildings through validated measurement data.

SEC. 415. NANOMATERIAL INITIATIVE.

The Director shall carry out a nanomaterial research initiative to—

(1) develop reference materials for nanomaterials and derived products to be used in benchmarking toxicity, calibrating instruments, and facilitating laboratory comparisons;

(2) assist in the development of international documentary standards relating to nanomaterials;

(3) develop instruments and measurement methods to determine the physical and chemical properties of nanomaterials; and

(4) gather and develop data to support the correlation of physical and chemical properties of nanomaterials to any environmental, safety, or other risks.

SEC. 416. MANUFACTURING RESEARCH.

(a) IN GENERAL.—The Director shall carry out a program to support transformational manufacturing research.

(b) ACTIVITIES.—As part of such program, the Director shall—

(1) develop and disseminate measurement tools and capabilities for new additive manufacturing and robotics technologies and methods;

(2) establish new techniques and methods to efficiently generate and assemble products integrating nanoscale materials and devices; and

(3) carry out other research with significant transformational potential for manufacturing.

TITLE V—INNOVATION

SEC. 501. OFFICE OF INNOVATION AND ENTREPRENEURSHIP.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following new section:

"SEC. 24. OFFICE OF INNOVATION AND ENTREPRENEURSHIP.

''(a) IN GENERAL.—The Secretary shall establish an Office of Innovation and Entrepreneurship to foster innovation and the commercialization of new technologies, products, processes, and services with the goal of promoting productivity and economic growth in the United States.

''(b) DUTIES.—The Office of Innovation and Entrepreneurship shall be responsible for—

''(1) developing policies to accelerate innovation and advance the commercialization of research and development, including federally funded research and development;

''(2) identifying existing barriers to innovation and commercialization, including access to capital and other resources, and ways to overcome those barriers;

''(3) providing access to relevant data, research, and technical assistance on innovation and commercialization;

''(4) strengthening collaboration on and coordination of policies relating to innovation and commercialization, including those focused on the needs of small businesses and rural communities, within the Department of Commerce and between the Department of Commerce and other Federal agencies, as appropriate; and

''(5) any other duties as determined by the Secretary.

''(c) ADVISORY COMMITTEE.—The Secretary shall establish an Advisory Council on Innovation and Entrepreneurship to provide advice to the Secretary on carrying out subsection (b).''.

SEC. 502. FEDERAL LOAN GUARANTEES FOR INNOVATIVE TECHNOLOGIES IN MANUFACTURING.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is further amended by adding after section 24, as added by section 501 of this title, the following new section:

"SEC. 25. FEDERAL LOAN GUARANTEES FOR INNOVATIVE TECHNOLOGIES IN MANUFACTURING.

''(a) ESTABLISHMENT.—The Secretary shall establish a program to provide loan guarantees for obligations to small- or medium-sized manufacturers for the use or production of innovative technologies.

''(b) ELIGIBLE PROJECTS.—A loan guarantee may be made under such program only for a project that reequips, expands, or establishes a manufacturing facility in the United States to—

''(1) use an innovative technology or an innovative process in manufacturing; or

''(2) manufacture an innovative technology product or an integral component of such product.

''(c) ELIGIBLE BORROWER.—A loan guarantee may be made under such program only for a borrower who is a small- or medium-sized manufacturer, as determined by the Secretary under the criteria established pursuant to subsection (m).

''(d) LIMITATION ON AMOUNT.—A loan guarantee shall not exceed an amount equal to 80 percent of the obligation, as estimated at the time at which the loan guarantee is issued.

''(e) LIMITATIONS ON LOAN GUARANTEE.—No loan guarantee shall be made unless the Secretary determines that—

''(1) there is a reasonable prospect of repayment of the principal and interest on the obligation by the borrower;

''(2) the amount of the obligation (when combined with amounts available to the borrower from other sources) is sufficient to carry out the project;

''(3) the obligation is not subordinate to other financing;

''(4) the obligation bears interest at a rate that does not exceed a level that the Secretary determines appropriate, taking into account the prevailing rate of interest in the private sector for similar loans and risks; and

''(5) the term of an obligation requires full repayment over a period not to exceed the lesser of—

''(A) 30 years; or

''(B) 90 percent of the projected useful life, as determined by the Secretary, of the physical asset to be financed by the obligation.

''(f) DEFAULTS.—

''(1) PAYMENT BY SECRETARY.—

''(A) IN GENERAL.—If a borrower defaults (as defined in regulations promulgated by the Secretary and specified in the loan guarantee) on the obligation, the holder of the loan guarantee shall have the right to demand payment of the unpaid amount from the Secretary.

''(B) PAYMENT REQUIRED.—Within such period as may be specified in the loan guarantee or related agreements, the Secretary shall pay to the holder of the loan guarantee the unpaid interest on and unpaid principal of the obligation as to which the borrower has defaulted, unless the Secretary finds that there was no default by the borrower in the payment of interest or principal or that the default has been remedied.

''(C) FORBEARANCE.—Nothing in this subsection precludes any forbearance by the holder of the obligation for the benefit of the borrower which may be agreed upon by the parties to the obligation and approved by the Secretary.

''(2) SUBROGATION.—

''(A) IN GENERAL.—If the Secretary makes a payment under paragraph (1), the Secretary shall be subrogated to the rights, as specified in the loan guarantee, of the recipient of the payment or related agreements including, if appropriate, the authority (notwithstanding any other provision of law) to—

''(i) complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to such loan guarantee or related agreement; or

''(ii) permit the borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project if the Secretary determines that such an agreement is in the public interest.

''(B) SUPERIORITY OF RIGHTS.—The rights of the Secretary, with respect to any property acquired pursuant to a loan guarantee or related agreements, shall be superior to the rights of any other person with respect to the property.

''(3) NOTIFICATION.—If the borrower defaults on an obligation, the Secretary shall notify the Attorney General of the default.

''(g) PAYMENT OF PRINCIPAL AND INTEREST BY SECRETARY.—With respect to any obligation guaranteed under this section, the Secretary may enter into a contract to pay, and pay, holders of the obligation for and on behalf of the borrower from funds appropriated for that purpose the principal and interest payments that become due and payable on the unpaid balance of the obligation if the Secretary finds that—

''(1)(A) the borrower is unable to make the payments and is not in default;

''(B) it is in the public interest to permit the borrower to continue to pursue the project; and

''(C) the probable net benefit to the Federal Government in paying the principal and interest will be greater than that which would result in the event of a default;

''(2) the amount of the payment that the Secretary is authorized to pay shall be no greater than the amount of principal and interest that the borrower is obligated to pay under the obligation being guaranteed; and

''(3) the borrower agrees to reimburse the Secretary for the payment (including interest) on terms and conditions that are satisfactory to the Secretary.

''(h) TERMS AND CONDITIONS.—A loan guarantee under this section shall include such detailed terms and conditions as the Secretary determines appropriate to—

''(1) protect the interests of the United States in the case of default; and

''(2) have available all the patents and technology necessary for any person selected, including the Secretary, to complete and operate the project.

''(i) CONSULTATION.—In establishing the terms and conditions of a loan guarantee under this section, the Secretary shall consult with the Secretary of the Treasury.

''(j) FEES.—

''(1) IN GENERAL.—The Secretary shall charge and collect fees for loan guarantees in amounts the Secretary determines are sufficient to cover applicable administrative expenses.

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into the Treasury of the United States; and

''(B) remain available until expended, subject to such other conditions as are contained in annual appropriations Acts.

''(3) LIMITATION.—In charging and collecting fees under paragraph (1), the Secretary shall take into consideration the amount of the obligation.

''(k) RECORDS.—

''(1) IN GENERAL.—With respect to a loan guarantee under this section, the borrower, the lender, and any other appropriate party shall keep such records and other pertinent documents as the Secretary shall prescribe by regulation, including such records as the Secretary may require to facilitate an effective audit.

''(2) ACCESS.—The Secretary and the Comptroller General of the United States, or their duly authorized representatives, shall have access to records and other pertinent documents for the purpose of conducting an audit.

''(l) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all loan guarantees issued under this section with respect to principal and interest.

''(m) REGULATIONS.—The Secretary shall issue final regulations before making any loan guarantees under the program. Such regulations shall include—

''(1) criteria that the Secretary shall use to determine eligibility for loan guarantees under this section, including—

''(A) whether a borrower is a small- or medium-sized manufacturer; and

''(B) whether a borrower demonstrates that a market exists for the innovative technology product, or the integral component of such product, to be manufactured, as evidenced by written statements of interest from potential purchasers;

''(2) criteria that the Secretary shall use to determine the amount of any fees charged under subsection (j), including criteria related to the amount of the obligation;

''(3) policies and procedures for selecting and monitoring lenders and loan performance; and

''(4) any other policies, procedures, or information necessary to implement this section.

''(n) AUDIT.—

''(1) ANNUAL INDEPENDENT AUDITS.—The Secretary shall enter into an arrangement with an independent auditor for annual evaluations of the program under this section.

''(2) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall conduct a biennial review of the Secretary's execution of the program under this section.

''(3) REPORT.—The results of the independent audit under paragraph (1) and the

Comptroller General's review under paragraph (2) shall be provided directly to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(o) REPORT TO CONGRESS.—Concurrent with the submission to Congress of the President's annual budget request in each year after the date of enactment of this section, the Secretary shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of all activities carried out under this section.

''(p) COORDINATION AND NONDUPLICATION.—To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this section are coordinated with, and do not duplicate the efforts of, other loan guarantee programs within the Federal Government.

''(q) MEP CENTERS.—The Secretary may use centers established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) to provide information about the program established under this section and to conduct outreach to potential borrowers, as appropriate.

''(r) MINIMIZING RISK.—The Secretary shall promulgate regulations and policies to carry out this section in accordance with Office of Management and Budget Circular No. A–129, entitled 'Policies for Federal Credit Programs and Non-Tax Receivables', as in effect on the date of enactment of this section.

''(s) SENSE OF CONGRESS.—It is the sense of Congress that no loan guarantee shall be made under this section unless the borrower agrees to use a federally-approved electronic employment eligibility verification system to verify the employment eligibility of—

''(1) all persons hired during the contract term by the borrower to perform employment duties within the United States; and

''(2) all persons assigned by the borrower to perform work within the United States on the project.

''(t) DEFINITIONS.—In this section:

''(1) COST.—The term 'cost' has the meaning given such term under section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

''(2) INNOVATIVE PROCESS.—The term 'innovative process' means a process that is significantly improved as compared to the process in general use in the commercial marketplace in the United States at the time the loan guarantee is issued.

''(3) INNOVATIVE TECHNOLOGY.—The term 'innovative technology' means a technology that is significantly improved as compared to the technology in general use in the commercial marketplace in the United States at the time the loan guarantee is issued.

''(4) LOAN GUARANTEE.—The term 'loan guarantee' has the meaning given such term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a). The term includes a loan guarantee commitment (as defined in section 502 of such Act (2 U.S.C. 661a)).

''(5) OBLIGATION.—The term 'obligation' means the loan or other debt obligation that is guaranteed under this section.

''(6) PROGRAM.—The term 'program' means the loan guarantee program established in subsection (a).

''(u) AUTHORIZATION OF APPROPRIATIONS.—

''(1) COST OF LOAN GUARANTEES.—There are authorized to be appropriated $100,000,000 for each of fiscal years 2011 through 2013 to provide the cost of loan guarantees under this section.

''(2) PRINCIPAL AND INTEREST.—There are authorized to be appropriated such sums as are necessary to carry out subsection (g).''.

SEC. 503. REGIONAL INNOVATION PROGRAM.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is further amended by adding after section 25, as added by section 502 of this title, the following new section:

''SEC. 26. REGIONAL INNOVATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a regional innovation program to encourage and support the development of regional innovation strategies, including regional innovation clusters.

''(b) REGIONAL INNOVATION CLUSTER GRANTS.—

''(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary may award grants on a competitive basis to eligible recipients for activities relating to the formation and development of regional innovation clusters.

''(2) PERMISSIBLE ACTIVITIES.—Grants awarded under this subsection may be used for activities determined appropriate by the Secretary, including the following:

''(A) Feasibility studies.

''(B) Planning activities.

''(C) Technical assistance.

''(D) Developing or strengthening communication and collaboration between and among participants of a regional innovation cluster.

''(E) Attracting additional participants to a regional innovation cluster.

''(F) Facilitating market development of products and services developed by a regional innovation cluster, including through demonstration, deployment, technology transfer, and commercialization activities.

''(G) Developing relationships between a regional innovation cluster and entities or clusters in other regions.

''(H) Interacting with the public and State and local governments to meet the goals of the cluster.

''(3) ELIGIBLE RECIPIENT.—For purposes of this subsection, the term 'eligible recipient' means any of the following:

''(A) A State.

''(B) An Indian tribe.

''(C) A city or other political subdivision of a State.

''(D) An entity that—

''(i) is a nonprofit organization, an institution of higher education, a public-private partnership, a science park, a Federal laboratory, or an economic development organization or similar entity; and

''(ii) has an application that is supported by a State or a political subdivision of a State.

''(E) A consortium of any of the entities listed in subparagraphs (A) through (D).

''(4) APPLICATION.—

''(A) IN GENERAL.—An eligible recipient shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

''(B) COMPONENTS.—The application shall include, at a minimum, a description of the regional innovation cluster supported by the proposed activity, including a description of the following:

''(i) Whether the regional innovation cluster is supported by the private sector, State and local governments, and other relevant stakeholders.

''(ii) How the existing participants in the regional innovation cluster will encourage and solicit participation by all types of entities that might benefit from participation, including newly formed entities and those rival to existing participants.

''(iii) The extent to which the regional innovation cluster is likely to stimulate innovation and have a positive impact on regional economic growth and development.

''(iv) Whether the participants in the regional innovation cluster have access to, or contribute to, a well-trained workforce.

''(v) Whether the participants in the regional innovation cluster are capable of attracting additional funds from non-Federal sources.

''(vi) The likelihood that the participants in the regional innovation cluster will be able to sustain activities once grant funds under this subsection have been expended.

''(5) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to—

''(A) applications from regions that contain communities negatively impacted by trade; and

''(B) an eligible recipient who agrees to collaborate with local workforce investment area boards.

''(6) COST SHARE.—The Secretary may not provide more than 50 percent of the total cost of any activity funded under this subsection.

''(7) USE AND APPLICATION OF RESEARCH AND INFORMATION PROGRAM.—To the maximum extent practicable, the Secretary shall ensure that activities funded under this subsection use and apply any relevant research, best practices, and metrics developed under the program established in subsection (c).

''(c) REGIONAL INNOVATION RESEARCH AND INFORMATION PROGRAM.—

''(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary shall establish a regional innovation research and information program to—

''(A) gather, analyze, and disseminate information on best practices for regional innovation strategies (including regional innovation clusters), including information relating to how innovation, productivity, and economic development can be maximized through such strategies;

''(B) provide technical assistance, including through the development of technical assistance guides, for the development and implementation of regional innovation strategies (including regional innovation clusters);

''(C) support the development of relevant metrics and measurement standards to evaluate regional innovation strategies (including regional innovation clusters), including the extent to which such strategies stimulate innovation, productivity, and economic development; and

''(D) collect and make available data on regional innovation cluster activity in the United States, including data on—

''(i) the size, specialization, and competitiveness of regional innovation clusters;

''(ii) the regional domestic product contribution, total jobs and earnings by key occupations, establishment size, nature of specialization, patents, Federal research and development spending, and other relevant information for regional innovation clusters; and

''(iii) supply chain product and service flows within and between regional innovation clusters.

''(2) RESEARCH GRANTS.—The Secretary may award research grants on a competitive basis to support and further the goals of the program established under this subsection.

''(3) DISSEMINATION OF INFORMATION.—Data and analysis compiled by the Secretary under the program established in this subsection shall be made available to other Federal agencies, State and local governments, and nonprofit and for-profit entities.

''(4) CLUSTER GRANT PROGRAM.—The Secretary shall incorporate data and analysis relating to any regional innovation cluster supported by a grant under subsection (b) into the program established under this subsection.

''(d) INTERAGENCY COORDINATION.—

''(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this section are coordinated with, and do not duplicate the efforts of, other programs at the Department of Commerce or other Federal agencies.

''(2) COLLABORATION.—

''(A) IN GENERAL.—The Secretary shall explore and pursue collaboration with other Federal agencies, including through multiagency funding opportunities, on regional innovation strategies.

''(B) SMALL BUSINESSES.—The Secretary shall ensure that such collaboration with Federal agencies prioritizes the needs and challenges of small businesses.

''(e) EVALUATION.—

''(1) IN GENERAL.—Not later than 4 years after the date of enactment of this section, the Secretary shall enter into a contract with an independent entity, such as the National Academy of Sciences, to conduct an evaluation of the program established under subsection (a).

''(2) REQUIREMENTS.—The evaluation shall include—

''(A) whether such program is achieving its goals;

''(B) any recommendations for how such program may be improved; and

''(C) a recommendation as to whether such program should be continued or terminated.

''(f) DEFINITIONS.—In this section:

''(1) REGIONAL INNOVATION CLUSTER.—The term 'regional innovation cluster' means a geographically bounded network of similar, synergistic, or complementary entities that—

''(A) are engaged in or with a particular industry sector;

''(B) have active channels for business transactions and communication;

''(C) share specialized infrastructure, labor markets, and services; and

''(D) leverage the region's unique competitive strengths to stimulate innovation and create jobs.

''(2) STATE.—The term 'State' means one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for each of fiscal years 2011 through 2013 to carry out this section, including such sums as are necessary to carry out the evaluation required under subsection (e).''.

SEC. 504. CLEAN ENERGY CONSORTIUM.

(a) PURPOSE.—The Secretary shall carry out a program to establish a Clean Energy Consortium to enhance the Nation's economic, environmental, and energy security by promoting commercial application of clean energy technology and ensuring that the United States maintains a technological lead in the development and commercial application of state-of-the-art energy technologies. To achieve these purposes the program shall leverage the expertise and resources of the university and private research communities, industry, venture capital, national laboratories, and other participants in energy innovation to support collaborative, cross-disciplinary research and development in areas not being served by the private sector in order to develop and accelerate the commercial application of innovative clean energy technologies.

(b) DEFINITIONS.—For purposes of this section:

(1) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means a technology that—

(A) produces energy from solar, wind, geothermal, biomass, tidal, wave, ocean, and other renewable energy resources (as such term is defined in section 610 of the Public Utility Regulatory Policies Act of 1978);

(B) more efficiently transmits, distributes, or stores energy;

(C) enhances energy efficiency for buildings and industry, including combined heat and power;

(D) enables the development of a Smart Grid (as described in section 1301 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381)), including integration of renewable energy resources and distributed generation, demand response, demand side management, and systems analysis;

(E) produces an advanced or sustainable material with energy or energy efficiency applications; or

(F) improves energy efficiency for transportation, including electric vehicles.

(2) CLUSTER.—The term ''cluster'' means a network of entities directly involved in the research, development, finance, and commercial application of clean energy technologies whose geographic proximity facilitates utilization and sharing of skilled human resources, infrastructure, research facilities, educational and training institutions, venture capital, and input suppliers.

(3) CONSORTIUM.—The term ''Consortium'' means a Clean Energy Consortium established in accordance with this section.

(4) PROJECT.—The term ''project'' means an activity with respect to which a Consortium provides support under subsection (e).

(5) QUALIFYING ENTITY.—The term ''qualifying entity'' means each of the following:

(A) A research university.

(B) A State or Federal institution with a focus on the advancement of clean energy technologies.

(C) A nongovernmental organization with research or technology transfer expertise in clean energy technology development.

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

(7) TECHNOLOGY DEVELOPMENT FOCUS.—The term ''technology development focus'' means the unique clean energy technology or technologies in which a Consortium specializes.

(8) TRANSLATIONAL RESEARCH.—The term ''translational research'' means coordination of basic or applied research with technical applications to enable promising discoveries or inventions to achieve commercial application of energy technology.

(c) ROLE OF THE SECRETARY.—The Secretary shall—

(1) have ultimate responsibility for, and oversight of, all aspects of the program under this section;

(2) select a recipient of a grant for the establishment and operation of a Consortium through a competitive selection process;

(3) coordinate the innovation activities of the Consortium with those occurring through other Department of Energy entities, including the National Laboratories, the Advanced Research Projects Agency—Energy, Energy Innovation Hubs, and Energy Frontier Research Collaborations, and within industry, including by annually—

(A) issuing guidance regarding national energy research and development priorities and strategic objectives; and

(B) convening a conference of staff of the Department of Energy and representatives from such other entities to share research results, program plans, and opportunities for collaboration.

(d) ENTITIES ELIGIBLE FOR SUPPORT.—A consortium shall be eligible to receive support under this section if—

(1) it is composed of—

(A) 2 research universities with a combined annual research budget of $500,000,000; and

(B) 1 or more additional qualifying entities;

(2) its members have established a binding agreement that documents—

(A) the structure of the partnership agreement;

(B) a governance and management structure to enable cost-effective implementation of the program;

(C) a conflicts of interest policy consistent with subsection (e)(1)(B);

(D) an accounting structure that meets the requirements of the Department of Energy and can be audited under subsection (f)(4); and

(E) that it has an External Advisory Committee consistent with subsection (e)(3);

(3) it receives funding from States, consortium participants, or other non-Federal sources, to be used to support project awards pursuant to subsection (e);

(4) it is part of an existing cluster or demonstrates high potential to develop a new cluster; and

(5) it operates as a nonprofit organization.

(e) CLEAN ENERGY CONSORTIUM.—

(1) ROLE.—The Consortium shall support translational research activities leading to commercial application of clean energy technologies, in accordance with the purposes of this section, through issuance of awards to projects managed by qualifying entities and other entities meeting the Consortium's project criteria, including national laboratories. The Consortium shall—

(A) develop and make available to the public through the Department of Energy's Web site proposed plans, programs, project selection criteria, and terms for individual project awards under this subsection;

(B) establish conflict of interest procedures, consistent with those of the Department of Energy, to ensure that employees and designees for Consortium activities who are in decisionmaking capacities disclose all material conflicts of interest, including financial, organizational, and personal conflicts of interest;

(C) establish policies—

(i) to prevent resources provided to the Consortium from being used to displace private sector investment otherwise likely to occur, including investment from private sector entities that are members of the Consortium;

(ii) to facilitate the participation of private entities that invest in clean energy technologies to perform due diligence on award proposals, to participate in the award review process, and to provide guidance to projects supported by the Consortium; and

(iii) to facilitate the participation of parties with a demonstrated history of commercial application of clean energy technologies in the development of Consortium projects;

(D) oversee project solicitations, review proposed projects, and select projects for awards; and

(E) monitor project implementation.

(2) DISTRIBUTION OF AWARDS.—The Consortium, with prior approval of the Secretary, shall distribute awards under this subsection to support clean energy technology projects conducting translational research, provided that at least 50 percent of such support shall be provided to projects related to the Consortium's clean energy technology development focus. Upon approval by the Secretary, all remaining funds shall be available to support any clean energy technology projects conducting translational research.

(3) EXTERNAL ADVISORY COMMITTEE.—

(A) IN GENERAL.—The Consortium shall establish an External Advisory Committee, the members of which shall have extensive and relevant scientific, technical, industry, financial, or research management expertise.

The External Advisory Committee shall review the Consortium's proposed plans, programs, project selection criteria, and projects and shall ensure that projects selected for awards meet the conflict of interest policies of the Consortium. External Advisory Committee members other than those representing Consortium members shall serve for no more than 3 years. All External Advisory Committee members shall comply with the Consortium's conflict of interest policies and procedures.

(B) MEMBERS.—The External Advisory Committee shall consist of—

(i) 5 members selected by the Consortium's research universities;

(ii) 2 members selected by the Consortium's other qualifying entities;

(iii) 2 members selected at large by other External Advisory Committee members to represent the entrepreneur and venture capital communities; and

(iv) 1 member appointed by the Secretary.

(4) CONFLICT OF INTEREST.—The Secretary may disqualify an application or revoke funds distributed to the Consortium if the Secretary discovers a failure to comply with conflict of interest procedures established under paragraph (1)(B).

(f) GRANT.—

(1) IN GENERAL.—The Secretary shall make a grant under this section in accordance with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353). The Secretary shall award the grant, on a competitive basis, to 1 regional Consortium, for a term of 3 years.

(2) AMOUNT.—A grant under this subsection shall be in an amount not greater than $10,000,000 per fiscal year over the 3 years of the term of the grant.

(3) USE.—The grant distributed under this section shall be used exclusively to support project awards pursuant to subsection (e)(1) and (2), provided that the Consortium may use not more than 10 percent of the amount of such grant for its administrative expenses related to making such awards. The grant made under this section shall not be used for construction of new buildings or facilities, and construction of new buildings or facilities shall not be considered as part of the non-Federal share of a cost sharing agreement under this section.

(4) AUDIT.—The Consortium shall conduct, in accordance with such requirements as the Secretary may prescribe, an annual audit to determine the extent to which a grant distributed to the Consortium under this subsection, and awards under subsection (e), have been utilized in a manner consistent with this section. The auditor shall transmit a report of the results of the audit to the Secretary and to the Government Accountability Office. The Secretary shall include such report in an annual report to Congress, along with a plan to remedy any deficiencies cited in the report. The Government Accountability Office may review such audits as appropriate and shall have full access to the books, records, and personnel of the Consortium to ensure that the grant distributed to the Consortium under this subsection, and awards made under subsection (e), have been utilized in a manner consistent with this section.

(5) REVOCATION OF AWARDS.—The Secretary shall have authority to review awards made under this subsection and to revoke such awards if the Secretary determines that the Consortium has used the award in a manner not consistent with the requirements of this section.

TITLE VI—DEPARTMENT OF ENERGY

Subtitle A—Office of Science

SEC. 601. SHORT TITLE.

This subtitle may be cited as the ''Department of Energy Office of Science Authorization Act of 2010''.

SEC. 602. DEFINITIONS.

Except as otherwise provided, in this subtitle:

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

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Science.

(3) OFFICE OF SCIENCE.—The term ''Office of Science'' means the Department of Energy Office of Science.

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

SEC. 603. MISSION OF THE OFFICE OF SCIENCE.

(a) MISSION.—The mission of the Office of Science shall be the delivery of scientific discoveries, capabilities, and major scientific tools to transform the understanding of nature and to advance the energy, economic, and national security of the United States.

(b) DUTIES.—In support of this mission, the Secretary shall carry out, through the Office of Science, programs on basic energy sciences, biological and environmental research, advanced scientific computing research, fusion energy sciences, high energy physics, and nuclear physics through activities focused on—

(1) Science for Discovery to unravel nature's mysteries through the study of subatomic particles, atoms, and molecules that make up the materials of our everyday world to DNA, proteins, cells, and entire biological systems;

(2) Science for National Need by—

(A) advancing a clean energy agenda through research on energy production, storage, transmission, efficiency, and use; and

(B) advancing our understanding of the Earth's climate through research in atmospheric and environmental sciences and climate change; and

(3) National Scientific User Facilities to deliver the 21st century tools of science, engineering, and technology and provide the Nation's researchers with the most advanced tools of modern science including accelerators, colliders, supercomputers, light sources and neutron sources, and facilities for studying the nanoworld.

(c) SUPPORTING ACTIVITIES.—The activities described in subsection (b) shall include providing for relevant facilities and infrastructure, analysis, coordination, and education and outreach activities.

(d) USER FACILITIES.—The Director shall carry out the construction, operation, and maintenance of user facilities to support the activities described in subsection (b). As practicable, these facilities shall serve the needs of the Department, industry, the academic community, and other relevant entities for the purposes of advancing the missions of the Department.

(e) OTHER AUTHORIZED ACTIVITIES.—In addition to the activities authorized under this subtitle, the Office of Science shall carry out such other activities it is authorized or required to carry out by law.

(f) COORDINATION AND JOINT ACTIVITIES.—The Department's Under Secretary for Science shall ensure the coordination of activities under this subtitle with the other activities of the Department, and shall support joint activities among the programs of the Department.

(g) DOMESTICALLY SOURCED HARDWARE.—

(1) PLAN.—The Director shall develop a plan to increase the percentage of domestically sourced hardware for planned and ongoing projects of the Office of Science. In developing this plan, the Director shall—

(A) give consideration to technologies that the United States does not currently have the capacity to manufacture and to procurement activities that can strengthen United States high-technology competitiveness broadly;

(B) seek opportunities to engage and partner with domestic manufacturers; and

(C) annually assess levels of domestically available goods relevant to planned and ongoing projects of the Office of Science.

(2) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with United States obligations under international agreements.

(3) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Director shall transmit the plan developed under this subsection to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives, and shall transmit any appropriate updates to those committees.

(h) MERIT-REVIEWED STUDY.—As part of the President's annual budget request, the Secretary shall include a detailed summary of the degree to which current research activities are competitive and merit-reviewed, including a list of activities that would have been undertaken in the absence of Congressionally-directed projects and an analysis of the effects of increasing the proportion of competitive, merit-reviewed activities on the strategic objectives of the Office of Science.

SEC. 604. BASIC ENERGY SCIENCES PROGRAM.

(a) PROGRAM.—As part of the activities authorized under section 603, the Director shall carry out a program in basic energy sciences, including materials sciences and engineering, chemical sciences, physical biosciences, and geosciences, for the purpose of providing the scientific foundations for new energy technologies.

(b) BASIC ENERGY SCIENCES USER FACILITIES.—

(1) IN GENERAL.—The Director shall carry out a program for the construction, operation, and maintenance of national user facilities to support the program under this section. As practicable, these facilities shall serve the needs of the Department, industry, the academic community, and other relevant entities to create and examine new materials and chemical processes for the purposes of advancing new energy technologies and improving the competitiveness of the United States. These facilities shall include—

(A) x-ray light sources;

(B) neutron sources;

(C) electron beam microcharacterization centers;

(D) nanoscale science research centers; and

(E) other facilities the Director considers appropriate, consistent with section 603(d).

(2) FACILITY CONSTRUCTION AND UPGRADES.—Consistent with the Office of Science's project management practices, the Director shall support construction of—

(A) the National Synchrotron Light Source II;

(B) a Second Target Station at the Spallation Neutron Source; and

(C) an upgrade of the Advanced Photon Source to improve brightness and performance.

(c) ENERGY FRONTIER RESEARCH CENTERS.—

(1) IN GENERAL.—The Director shall carry out a grant program to provide awards, on a competitive, merit-reviewed basis, to multi-institutional collaborations or other appropriate entities to conduct fundamental and use-inspired energy research to accelerate scientific breakthroughs related to needs identified in—

(A) the Grand Challenges report of the Department's Basic Energy Sciences Advisory Committee;

(B) the Basic Energy Sciences Basic Research Needs workshop reports;

(C) energy-related Grand Challenges for Engineering, as described by the National Academy of Engineering; or

(D) other relevant reports identified by the Director.

(2) COLLABORATIONS.—A collaboration receiving a grant under this subsection may include multiple types of institutions and private sector entities.

(3) SELECTION AND DURATION.—

(A) IN GENERAL.—A collaboration under this subsection shall be selected for a period of 5 years.

(B) REAPPLICATION.—After the end of the period described in subparagraph (A), a grantee may reapply for selection for a second period of 5 years on a competitive, merit-reviewed basis.

(4) NO FUNDING FOR CONSTRUCTION.—No funding provided pursuant to this subsection may be used for the construction of new buildings or facilities.

(d) ACCELERATOR RESEARCH AND DEVELOPMENT.—The Director shall carry out research and development on advanced accelerator technologies relevant to the development of Basic Energy Sciences user facilities, in consultation with the Office of Science's High Energy Physics and Nuclear Physics programs.

SEC. 605. BIOLOGICAL AND ENVIRONMENTAL RESEARCH PROGRAM.

(a) IN GENERAL.—As part of the activities authorized under section 603, and coordinated with the activities authorized in section 604, the Director shall carry out a program of research, development, and demonstration in the areas of biological systems science and climate and environmental science to support the energy and environmental missions of the Department.

(b) BIOLOGICAL SYSTEMS SCIENCE ACTIVITIES.—

(1) ACTIVITIES.—As part of the activities authorized under subsection (a), the Director shall carry out research, development, and demonstration activities in fundamental, structural, computational, and systems biology to increase systems-level understanding of complex biological systems, which shall include activities to—

(A) accelerate breakthroughs and new knowledge that will enable cost-effective sustainable production of—

(i) biomass-based liquid transportation fuels, including hydrogen;

(ii) bioenergy; and

(iii) biobased products,

that support the energy and environmental missions of the Department;

(B) improve understanding of the global carbon cycle, including processes for removing carbon dioxide from the atmosphere, through photosynthesis and other biological processes, for sequestration and storage; and

(C) understand the biological mechanisms used to destroy, immobilize, or remove contaminants from subsurface environments.

(2) RESEARCH PLAN.—

(A) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Director shall prepare and transmit to Congress a research plan describing how the activities authorized under this subsection will be undertaken.

(B) UTILIZATION OF EXISTING PLAN.—In developing the plan in subparagraph (A), the Director may utilize an existing research plan and update such plan to incorporate the activities identified in paragraph (1).

(C) UPDATES.—Not later than 3 years after the initial report under this paragraph, and at least once every 3 years thereafter, the Director shall update the research plan and transmit it to Congress.

(3) BIOENERGY RESEARCH CENTERS.—

(A) IN GENERAL.—In carrying out the activities under paragraph (1), the Director shall support at least 3 bioenergy research centers to accelerate basic biological research, development, demonstration, and commercial application of biomass-based liquid transportation fuels, bioenergy, and biobased products that support the energy and environmental missions of the Department and are produced from a variety of regionally diverse feedstocks.

(B) GEOGRAPHIC DISTRIBUTION.—The Director shall ensure that the bioenergy research centers under this paragraph are established in geographically diverse locations.

(C) SELECTION AND DURATION.—A center established under subparagraph (A) shall be selected on a competitive, merit-reviewed basis for a period of 5 years beginning on the date of establishment of that center. A center already in existence on the date of enactment of this Act may continue to receive support for a period of 5 years beginning on the date of establishment of that center.

(4) ENABLING SYNTHETIC BIOLOGY PLAN.—

(A) IN GENERAL.—The Secretary, in consultation with other relevant Federal agencies, the academic community, research-based nonprofit entities, and the private sector, shall develop a comprehensive plan for federally supported research and development activities that will support the energy and environmental missions of the Department and enable a competitive synthetic biology industry in the United States.

(B) PLAN.—The plan developed under subparagraph (A) shall assess the need to create a database for synthetic biology information, the need and process for developing standards for biological parts, components and systems, and the need for a federally funded facility that enables the discovery, design, development, production, and systematic use of parts, components, and systems created through synthetic biology. The plan shall describe the role of the Federal Government in meeting these needs.

(C) SUBMISSION TO CONGRESS.—The Secretary shall transmit the plan developed under subparagraph (A) to the Congress not later than 9 months after the date of enactment of this Act.

(5) COMPUTATIONAL BIOLOGY AND SYSTEMS BIOLOGY KNOWLEDGEBASE.—As part of the activities described in paragraph (1), the Director, in collaboration with the Advanced Scientific Computing Research program described in section 606, shall carry out research in computational biology, acquire or otherwise ensure the availability of hardware for biology-specific computation, and establish and maintain an open virtual database and information management system to centrally integrate systems biology data, analytical software, and computational modeling tools that will allow data sharing and free information exchange within the scientific community.

(6) PROHIBITION ON BIOMEDICAL AND HUMAN CELL AND HUMAN SUBJECT RESEARCH.—

(A) NO BIOMEDICAL RESEARCH.—In carrying out activities under subsection (b), the Secretary shall not conduct biomedical research.

(B) LIMITATIONS.—Nothing in subsection (b) shall authorize the Secretary to conduct any research or demonstrations—

(i) on human cells or human subjects; or

(ii) designed to have direct application with respect to human cells or human subjects.

(C) INFORMATION SHARING.—Nothing in this paragraph shall restrict the Department from sharing information, including research findings, research methodologies, models, or any other information, with any Federal agency.

(7) REPEAL.—Section 977 of the Energy Policy Act of 2005 (42 U.S.C. 16317) is repealed.

(c) CLIMATE AND ENVIRONMENTAL SCIENCES ACTIVITIES.—

(1) IN GENERAL.—As part of the activities authorized under subsection (a), the Director shall carry out climate and environmental science research, which shall include activities to—

(A) understand, observe, and model the response of the Earth's atmosphere and biosphere, including oceans and the Great Lakes, to increased concentrations of greenhouse gas emissions, and any associated changes in climate;

(B) understand the processes for sequestration, destruction, immobilization, or removal of, and understand the movement of, contaminants and carbon in subsurface environments, including at facilities of the Department; and

(C) inform potential mitigation and adaptation options for increased concentrations of greenhouse gas emissions and any associated changes in climate.

(2) SUBSURFACE BIOGEOCHEMISTRY RESEARCH.—

(A) IN GENERAL.—As part of the activities described in paragraph (1), the Director shall carry out research to advance a fundamental understanding of coupled physical, chemical, and biological processes for controlling the movement of sequestered carbon and subsurface environmental contaminants, including field observations of subsurface microorganisms and field-scale subsurface research.

(B) COORDINATION.—

(i) DIRECTOR.—The Director shall carry out activities under this paragraph in accordance with priorities established by the Department's Under Secretary for Science to support and accelerate the decontamination of relevant facilities managed by the Department.

(ii) UNDER SECRETARY FOR SCIENCE.—The Department's Under Secretary for Science shall ensure the coordination of the activities of the Department, including activities under this paragraph, to support and accelerate the decontamination of relevant facilities managed by the Department.

(3) NEXT-GENERATION ECOSYSTEM-CLIMATE EXPERIMENT.—

(A) IN GENERAL.—As part of the activities described in paragraph (1), the Director, in collaboration with other relevant agencies that are participants in the United States Global Change Research Program, shall carry out the selection and development of a next-generation ecosystem-climate change experiment to understand the impact and feedbacks of increased temperature and elevated carbon levels on ecosystems.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall transmit to the Congress a report containing—

(i) an identification of the location or locations that have been selected for the experiment described in subparagraph (A);

(ii) a description of the need for additional experiments; and

(iii) an associated research plan.

(4) AMERIFLUX NETWORK COORDINATION AND RESEARCH.—As part of the activities described in paragraph (1), the Director shall carry out research and coordinate the AmeriFlux Network to directly observe and understand the exchange of greenhouse gases, water vapor, and heat energy within terrestrial ecosystems and the response of those systems to climate change and other dynamic terrestrial landscape changes. The Director, in collaboration with other relevant Federal agencies, shall—

(A) identify opportunities to incorporate innovative and emerging observation technologies and practices into the existing Network;

(B) conduct research to determine the need for increased greenhouse gas observation Network facilities across North America to meet future mitigation and adaptation needs of the United States; and

(C) examine how the technologies and practices described in subparagraph (A), and increased coordination among scientific communities through the Network, have the potential to help characterize terrestrial baseline greenhouse gas emission sources and sinks in the United States and internationally.

(5) CLIMATE AND EARTH MODELING.—As part of the activities described in paragraph (1), the Director, in collaboration with the Advanced Scientific Computing Research program described in section 606, shall carry out research to develop, evaluate, and use high-resolution regional climate, global climate, Earth, and predictive models to inform decisions on reducing the impacts of changing climate.

(6) INTEGRATED ASSESSMENT RESEARCH.—As part of the activities described in paragraph (1), the Director shall carry out research into options for mitigation of and adaptation to climate change through multiscale models of the entire climate system. Such modeling shall include human processes and greenhouse gas emissions, land use, and interaction among human and Earth systems.

(7) COORDINATION.—The Director shall coordinate activities under this subsection with other Office of Science activities and with the United States Global Change Research Program.

(d) USER FACILITIES AND ANCILLARY EQUIPMENT.—

(1) IN GENERAL.—The Director shall carry out a program for the construction, operation, and maintenance of user facilities to support the program under this section. As practicable, these facilities shall serve the needs of the Department, industry, the academic community, and other relevant entities.

(2) INCLUDED FUNCTIONS.—User facilities described in paragraph (1) shall include facilities which carry out—

(A) genome sequencing and analysis of plants, microbes, and microbial communities using high throughput tools, technologies, and comparative analysis;

(B) molecular level research in biological, chemical, environmental, and subsurface sciences, including synthesis, dynamic properties, and interactions among natural and engineered materials; and

(C) measurement of cloud and aerosol properties used for examining atmospheric processes and evaluating climate model performance, including ground stations at various locations, mobile resources, and aerial vehicles.

SEC. 606. ADVANCED SCIENTIFIC COMPUTING RESEARCH PROGRAM.

(a) IN GENERAL.—As part of the activities authorized under section 603, the Director shall carry out a research, development, demonstration, and commercial application program to advance computational and networking capabilities to analyze, model, simulate, and predict complex phenomena relevant to the development of new energy technologies and the competitiveness of the United States.

(b) COORDINATION.—

(1) DIRECTOR.—The Director shall carry out activities under this section in accordance with priorities established by the Department's Under Secretary for Science to determine and meet the computational and networking research and facility needs of the Office of Science and all other relevant energy technology and energy efficiency programs within the Department.

(2) UNDER SECRETARY FOR SCIENCE.—The Department's Under Secretary for Science shall ensure the coordination of the activities of the Department, including activities under this section, to determine and meet the computational and networking research and facility needs of the Office of Science and all other relevant energy technology and energy efficiency programs within the Department.

(c) RESEARCH TO SUPPORT ENERGY APPLICATIONS.—As part of the activities authorized under subsection (a), the program shall support research in high-performance computing and networking relevant to energy applications, including both basic and applied energy research programs carried out by the Secretary.

(d) REPORTS.—

(1) ADVANCED COMPUTING FOR ENERGY APPLICATIONS.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Congress a plan to integrate and leverage the expertise and capabilities of the program described in subsection (a), as well as other relevant computational and networking research programs and resources supported by the Federal Government, to advance the missions of the Department's applied energy and energy efficiency programs, including the development of smart grid technologies.

(2) EXASCALE COMPUTING.—At least 18 months prior to the initiation of construction or installation of any exascale-class computing facility, the Secretary shall transmit a plan to the Congress detailing—

(A) the proposed facility's cost projections and capabilities to significantly accelerate the development of new energy technologies;

(B) technical risks and challenges that must be overcome to achieve successful completion and operation of the facility; and

(C) an assessment of the scientific and technological advances expected from such a facility relative to those expected from a comparable investment in expanded research and applications at terascale-class and petascale-class computing facilities.

(e) APPLIED MATHEMATICS AND SOFTWARE DEVELOPMENT FOR HIGH-END COMPUTING SYSTEMS.—The Director shall carry out activities to develop, test, and support mathematics, models, and algorithms for complex systems, as well as programming environments, tools, languages, and operating systems for high-end computing systems (as defined in section 2 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5541)).

(f) HIGH-END COMPUTING FACILITIES.—The Director shall—

(1) provide for sustained access by the public and private research community in the United States to high-end computing systems, including access to the National Energy Research Scientific Computing Center and to Leadership Systems (as defined in section 2 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5541));

(2) provide technical support for users of such systems; and

(3) conduct research and development on next-generation computing architectures and platforms to support the missions of the Department.

(g) OUTREACH.—The Secretary shall conduct outreach programs and may form partnerships to increase the use of and access to high-performance computing modeling and simulation capabilities by industry, including manufacturers.

SEC. 607. FUSION ENERGY RESEARCH PROGRAM.

(a) PROGRAM.—As part of the activities authorized under section 603, the Director shall carry out a fusion energy sciences research and enabling technology development program to effectively address the scientific and engineering challenges to building a cost-competitive fusion power plant and a competitive fusion power industry in the United States. As part of this program, the Director shall carry out research activities to expand the fundamental understanding of plasmas and matter at very high temperatures and densities.

(b) ITER.—The Director shall coordinate and carry out the responsibilities of the United States with respect to the ITER international fusion project pursuant to the Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project.

(c) IDENTIFICATION OF PRIORITIES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to the Congress a report on the Department's proposed research and development activities in magnetic fusion over the 10 years following the date of enactment of this Act under four realistic budget scenarios. The report shall—

(1) identify specific areas of fusion energy research and enabling technology development in which the United States can and should establish or solidify a lead in the global fusion energy development effort; and

(2) identify priorities for initiation of facility construction and facility decommissioning under each of those scenarios.

(d) FUSION MATERIALS RESEARCH AND DEVELOPMENT.—The Director, in coordination with the Assistant Secretary for Nuclear Energy of the Department, shall carry out research and development activities to identify, characterize, and create materials that can endure the neutron, plasma, and heat fluxes expected in a commercial fusion power plant. As part of the activities authorized under subsection (c), the Secretary shall—

(1) provide an assessment of the need for a facility or facilities that can examine and test potential fusion and next generation fission materials and other enabling technologies relevant to the development of commercial fusion power plants; and

(2) provide an assessment of whether a single new facility that substantially addresses magnetic fusion, inertial fusion, and next generation fission materials research needs is feasible, in conjunction with the expected capabilities of facilities operational as of the date of enactment of this Act.

(e) ENABLING TECHNOLOGY DEVELOPMENT.—The Secretary shall carry out activities to develop technologies necessary to enable the reliable, sustainable, safe, and economically competitive operation of a commercial fusion power plant.

(f) FUSION SIMULATION PROJECT.—In collaboration with the Office of Science's Advanced Scientific Computing Research program described in section 606, the Director shall carry out a computational project to advance the capability of fusion researchers to accurately simulate an entire fusion energy system.

(g) INERTIAL FUSION ENERGY RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary shall carry out a program of research and technology development in inertial fusion for energy applications, including ion beam and laser fusion. Not later than 180 days after the release of a report from the National Academies on inertial fusion energy research, the Secretary shall transmit to Congress a report describing the Department's plan to incorporate any relevant recommendations from the National Academies' report into this program.

SEC. 608. HIGH ENERGY PHYSICS PROGRAM.

(a) PROGRAM.—As part of the activities authorized under section 603, the Director shall

carry out a research program on the elementary constituents of matter and energy and the nature of space and time.

(b) NEUTRINO RESEARCH.—As part of the program described in subsection (a), the Director shall carry out research activities on rare decay processes and the nature of the neutrino, which may—

(1) include collaborations with the National Science Foundation on relevant projects; and

(2) utilize components of existing accelerator facilities to produce neutrino beams of sufficient intensity to explore research priorities identified by the High Energy Physics Advisory Panel or the National Academy of Sciences.

(c) DARK ENERGY AND DARK MATTER RESEARCH.—As part of the program described in subsection (a), the Director shall carry out research activities on the nature of dark energy and dark matter. These activities shall be consistent with research priorities identified by the High Energy Physics Advisory Panel or the National Academy of Sciences, and may include—

(1) the development of space-based and land-based facilities and experiments; and

(2) collaborations with the National Aeronautics and Space Administration, the National Science Foundation, or international collaborations on relevant research projects.

(d) ACCELERATOR RESEARCH AND DEVELOPMENT.—The Director shall carry out research and development in advanced accelerator concepts and technologies to reduce the necessary scope and cost for the next generation of particle accelerators.

(e) INTERNATIONAL COLLABORATION.—The Director, as practicable and in coordination with other appropriate Federal agencies as necessary, shall ensure the access of United States researchers to the most advanced accelerator facilities and research capabilities in the world, including the Large Hadron Collider.

SEC. 609. NUCLEAR PHYSICS PROGRAM.

(a) PROGRAM.—As part of the activities authorized under section 603, the Director shall carry out a research program, and support relevant facilities, to discover and understand various forms of nuclear matter.

(b) FACILITY CONSTRUCTION AND UPGRADES.—Consistent with the Office of Science's project management practices, the Director shall carry out—

(1) an upgrade of the Continuous Electron Beam Accelerator Facility to a 12 gigaelectronvolt beam of electrons; and

(2) construction of the Facility for Rare Isotope Beams.

(c) ISOTOPE DEVELOPMENT AND PRODUCTION FOR RESEARCH APPLICATIONS.—The Director shall carry out a program for the production of isotopes, including the development of techniques to produce isotopes, that the Secretary determines are needed for research, excluding medical research. In making this determination, the Secretary shall consider any relevant recommendations made by Federal advisory committees, the National Academies, and interagency working groups in which the Department participates.

SEC. 610. SCIENCE LABORATORIES INFRASTRUCTURE PROGRAM.

(a) PROGRAM.—The Director shall carry out a program to improve the safety, efficiency, and mission readiness of infrastructure at Office of Science laboratories. The program shall include projects to—

(1) renovate or replace space that does not meet research needs;

(2) replace facilities that are no longer cost effective to renovate or operate;

(3) modernize utility systems to prevent failures and ensure efficiency;

(4) remove excess facilities to allow safe and efficient operations; and

(5) construct modern facilities to conduct advanced research in controlled environmental conditions.

(b) MINOR CONSTRUCTION PROJECTS.—

(1) AUTHORITY.—Using operation and maintenance funds or facilities and infrastructure funds authorized by law, the Secretary may carry out minor construction projects with respect to laboratories administered by the Office of Science.

(2) ANNUAL REPORT.—The Secretary shall submit to Congress, as part of the annual budget submission of the Department, a report on each exercise of the authority under subsection (a) during the preceding fiscal year. Each report shall include a summary of maintenance and infrastructure needs and associated funding requirements at each of the laboratories, including the amount of both planned and deferred infrastructure spending at each laboratory. Each report shall provide a brief description of each minor construction project covered by the report.

(3) COST VARIATION REPORTS.—If, at any time during the construction of any minor construction project, the estimated cost of the project is revised and the revised cost of the project exceeds the minor construction threshold, the Secretary shall immediately submit to Congress a report explaining the reasons for the cost variation.

(4) DEFINITIONS.—In this section—

(A) the term ''minor construction project'' means any plant project not specifically authorized by law for which the approved total estimated cost does not exceed the minor construction threshold; and

(B) the term ''minor construction threshold'' means $10,000,000, with such amount to be adjusted by the Secretary in accordance with the Engineering News-Record Construction Cost Index, or an appropriate alternative index as determined by the Secretary, once every five years after the date of enactment of this Act.

(5) NONAPPLICABILITY.—Sections 4703 and 4704 of the Atomic Energy Defense Act (50 U.S.C. 2743 and 2744) shall not apply to laboratories administered by the Office of Science.

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for the activities of the Office of Science—

(1) $5,247,000,000 for fiscal year 2011, of which—

(A) $1,875,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) $667,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) $466,000,000 shall be for Advanced Scientific Computing Research activities under section 606;

(2) $5,614,000,000 for fiscal year 2012, of which—

(A) $2,025,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) $720,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) $503,000,000 shall be for Advanced Scientific Computing Research activities under section 606; and

(3) $6,007,000,000 for fiscal year 2013, of which—

(A) $2,187,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) $778,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) $544,000,000 shall be for Advanced Scientific Computing Research activities under section 606.

Subtitle B—Advanced Research Projects Agency—Energy

SEC. 621. SHORT TITLE.

This subtitle may be cited as the ''ARPA–E Reauthorization Act of 2010''.

SEC. 622. ARPA–E AMENDMENTS.

Section 5012 of the America COMPETES Act (42 U.S.C. 16538) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A), by inserting ''and applied'' after ''advances in fundamental'';

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

(C) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

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

''(D) promoting the commercial application of advanced energy technologies.'';

(2) in subsection (e)(3), by amending subparagraph (C) to read as follows:

''(C) research and development of advanced manufacturing process and technologies for the domestic manufacturing of novel energy technologies; and'';

(3) in subsection (e)—

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

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

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

''(5) pursuant to subsection (c)(2)(C)—

''(A) ensuring that applications for funding disclose the extent of current and prior efforts, including monetary investments as appropriate, in pursuit of the technology area for which funding is being requested;

''(B) adopting measures to ensure that, in making awards, program managers adhere to the objectives in subsection (c)(2)(C); and

''(C) providing as part of the annual report required by subsection (h)(1) a summary of the instances of and reasons for ARPA–E funding projects in technology areas already being undertaken by industry.'';

(4) by redesignating subsections (f) through (m) as subsections (g), (h), (i), (j), (l), (m), (n), and (o), respectively;

(5) by inserting after subsection (e) the following new subsection:

''(f) AWARDS.—In carrying out this section, the Director may initiate and execute awards in the form of grants, contracts, cooperative agreements, cash prizes, and other transactions. The Director shall make awards designed to overcome the long-term and high-risk barriers relating to the goals and means set forth in subsection (c) and facilitate submissions, where possible by small businesses and entrepreneurs, pursuant to announcements published not less frequently than annually, of funding opportunities for—

''(1) specific areas of technological innovation; and

''(2) broadly defined areas of science and technology,

to remain open for periods of one year.'';

(6) in subsection (g), as so redesignated by paragraph (4) of this section—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A) of this paragraph, the following new paragraph:

''(1) IN GENERAL.—The Director shall establish and maintain within ARPA–E a staff with sufficient qualifications and expertise to enable ARPA–E to carry out its responsibilities under this section in conjunction with the operations of the rest of the Department.'';

(C) in paragraph (2)(A), as so redesignated by subparagraph (A) of this paragraph—

(i) in the paragraph heading, by striking ''PROGRAM MANAGERS'' and inserting ''PROGRAM DIRECTORS'';

(ii) by striking ''program managers'' and inserting ''program directors''; and

(iii) by striking ''each of'';

(D) in paragraph (2)(B), as so redesignated by subparagraph (A) of this paragraph—

(i) by striking ''program manager'' and inserting ''program director'';

(ii) in clause (iv), by striking '', with advice under subsection (j) as appropriate,'';

(iii) by redesignating clauses (v) and (vi) as clauses (vi) and (viii), respectively;

(iv) by inserting after clause (iv) the following new clause:

''(v) identifying innovative cost-sharing arrangements for ARPA–E projects, including through use of the authority under section 988(b)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)(3));'';

(v) in clause (vi), as so redesignated by clause (iii) of this subparagraph, by striking ''; and'' and inserting a semicolon; and

(vi) by inserting after clause (vi), as so redesignated by clause (iii) of this subparagraph, the following new clause:

''(vii) identifying mechanisms for commercial application of successful energy technology development projects, including through establishment of partnerships between awardees and commercial entities; and'';

(E) in paragraph (2)(C), as so redesignated by subparagraph (A) of this paragraph, by inserting ''up to'' after ''shall be'';

(F) in paragraph (3)(B), as so redesignated by subparagraph (A) of this paragraph, by striking ''not less than 70, and not more than 120,'' and inserting ''not more than 120''; and

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

''(4) FELLOWSHIPS.—The Director is authorized to select exceptional early-career and senior scientific, legal, business, and technical personnel to serve as fellows to work at ARPA–E for terms not to exceed two years. Responsibilities of fellows may include—

''(A) supporting program directors in program creation, design, implementation, and management;

''(B) exploring technical fields for future ARPA–E program areas;

''(C) assisting the Director in the creation of the strategic vision for ARPA–E referred to in subsection (h)(2);

''(D) preparing energy technology and economic analyses; and

''(E) any other appropriate responsibilities identified by the Director.'';

(7) in subsection (h)(2), as so redesignated by paragraph (4) of this section—

(A) by striking ''2008'' and inserting ''2010''; and

(B) by striking ''2011'' and inserting ''2013'';

(8) by amending subsection (j), as so redesignated by paragraph (4) of this section, to read as follows:

''(j) FEDERAL DEMONSTRATION OF TECHNOLOGIES.—The Director shall seek opportunities to partner with purchasing and procurement programs of Federal agencies to demonstrate energy technologies resulting from activities funded through ARPA–E.'';

(9) by inserting after such subsection (j) the following new subsection:

''(k) EVENTS.—

''(1) The Director is authorized to convene, organize, and sponsor events that further the objectives of ARPA–E, including events that assemble awardees, the most promising applicants for ARPA–E funding, and a broad range of ARPA–E stakeholders (which may include members of relevant scientific research and academic communities, government officials, financial institutions, private investors, entrepreneurs, and other private entities), for the purposes of—

''(A) demonstrating projects of ARPA–E awardees;

''(B) demonstrating projects of finalists for ARPA–E awards and other energy technology projects;

''(C) facilitating discussion of the commercial application of energy technologies developed under ARPA–E and other government-sponsored research and development programs; or

''(D) such other purposes as the Director considers appropriate.

''(2) Funding for activities described in paragraph (1) shall be provided as part of the technology transfer and outreach activities authorized under subsection (o)(4)(B).'';

(10) in subsection (m)(1), as so redesignated by paragraph (4) of this section, by striking ''4 years'' and inserting ''6 years'';

(11) in subsection (m)(2)(B), as so redesignated by paragraph (4) of this section, by inserting '', and how those lessons may apply to the operation of other programs within the Department of Energy'' after ''ARPA–E'';

(12) by amending subsection (o)(2), as so redesignated by paragraph (4) of this section, to read as follows:

''(2) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (4), there are authorized to be appropriated to the Director for deposit in the Fund, without fiscal year limitation—

''(A) $300,000,000 for fiscal year 2011;

''(B) $450,000,000 for fiscal year 2012; and

''(C) $600,000,000 for fiscal year 2013.'';

(13) in subsection (o), as so redesignated by paragraph (4) of this section, by—

(A) striking paragraph (4); and

(B) redesignating paragraph (5) as paragraph (4); and

(14) in subsection (o)(4)(B), as so redesignated by paragraphs (4) and (13)(B) of this subsection—

(A) by striking ''2.5 percent'' and inserting ''5 percent''; and

(B) by inserting '', consistent with the goal described in subsection (c)(2)(D) and within the responsibilities of program directors as specified in subsection (g)(2)(B)(vii)'' after ''outreach activities''.

Subtitle C—Energy Innovation Hubs

SEC. 631. SHORT TITLE.

This subtitle may be cited as the ''Energy Innovation Hubs Authorization Act of 2010''.

SEC. 632. ENERGY INNOVATION HUBS.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy shall carry out a program to enhance the Nation's economic, environmental, and energy security by making grants to consortia for establishing and operating Energy Innovation Hubs to conduct and support, whenever practicable at one centralized location, multidisciplinary, collaborative research, development, demonstration, and commercial application of advanced energy technologies in areas not being served by the private sector.

(2) TECHNOLOGY DEVELOPMENT FOCUS.—The Secretary shall designate for each Hub a unique advanced energy technology development focus.

(3) COORDINATION.—The Secretary shall ensure the coordination of, and avoid unnecessary duplication of, the activities of Hubs with those of other Department of Energy research entities, including the National Laboratories, the Advanced Research Projects Agency—Energy, and Energy Frontier Research Centers, and within industry. Such coordination shall include convening and consulting with representatives of staff of the Department of Energy, representatives from Hubs and the qualifying entities that are members of the consortia operating the Hubs, and representatives of such other entities as the Secretary considers appropriate, to share research results, program plans, and opportunities for collaboration.

(4) ADMINISTRATION.—The Secretary shall administer this section with respect to each Hub through the Department program office appropriate to administer the subject matter of the technology development focus assigned under paragraph (2) for the Hub.

(b) CONSORTIA.—

(1) ELIGIBILITY.—To be eligible to receive a grant under this section for the establishment and operation of a Hub, a consortium shall—

(A) be composed of no fewer than 2 qualifying entities;

(B) operate subject to a binding agreement entered into by its members that documents—

(i) the proposed partnership agreement, including the governance and management structure of the Hub;

(ii) measures to enable cost-effective implementation of the program under this section;

(iii) a proposed budget, including financial contributions from non-Federal sources;

(iv) conflict of interest procedures consistent with subsection (d)(3), all known material conflicts of interest, and corresponding mitigation plans;

(v) an accounting structure that enables the Secretary to ensure that the consortium has complied with the requirements of this section; and

(vi) an external advisory committee consistent with subsection (d)(2); and

(C) operate as a nonprofit organization.

(2) APPLICATION.—A consortium seeking to establish and operate a Hub under this section, acting through a prime applicant, shall transmit to the Secretary an application at such time, in such form, and accompanied by such information as the Secretary shall require, including a detailed description of the elements of the consortium agreement required under paragraph (1)(B). If the consortium members will not be located at one centralized location, such application shall include a communications plan that ensures close coordination and integration of the Hub's activities.

(c) SELECTION AND SCHEDULE.—The Secretary shall select consortia for grants for the establishment and operation of Hubs through competitive selection processes. In selecting consortia, the Secretary shall consider the information a consortium must disclose according to subsection (b), as well as any existing facilities a consortium will provide for Hub activities. Grants made to a Hub shall be for a period not to exceed 5 years, after which the grant may be renewed, subject to a competitive selection process.

(d) HUB OPERATIONS.—

(1) IN GENERAL.—Hubs shall conduct or provide for multidisciplinary, collaborative research, development, demonstration, and commercial application of advanced energy technologies within the technology development focus designated for the Hub by the Secretary under subsection (a)(2). Each Hub shall—

(A) encourage collaboration and communication among the member qualifying entities of the consortium and awardees by conducting activities whenever practicable at one centralized location;

(B) develop and publish on the Department of Energy's website proposed plans and programs;

(C) submit an annual report to the Secretary summarizing the Hub's activities, including detailing organizational expenditures, listing external advisory committee members, and describing each project undertaken by the Hub; and

(D) monitor project implementation and coordination.

(2) EXTERNAL ADVISORY COMMITTEE.—Each Hub shall establish an external advisory

committee, the membership of which shall have sufficient expertise to advise and provide guidance on scientific, technical, industry, financial, and research management matters.

(3) CONFLICTS OF INTEREST.—

(A) PROCEDURES.—Hubs shall establish conflict of interest procedures, consistent with those of the Department of Energy, to ensure that employees and consortia designees for Hub activities who are in decisionmaking capacities disclose all material conflicts of interest, including financial, organizational, and personal conflicts of interest.

(B) DISQUALIFICATION AND REVOCATION.—The Secretary may disqualify an application or revoke funds distributed to a Hub if the Secretary discovers a failure to comply with conflict of interest procedures established under subparagraph (A).

(e) PROHIBITION ON CONSTRUCTION.—

(1) IN GENERAL.—No funds provided pursuant to this section may be used for construction of new buildings or facilities for Hubs. Construction of new buildings or facilities shall not be considered as part of the non-Federal share of a Hub cost-sharing agreement.

(2) TEST BED AND RENOVATION EXCEPTION.—Nothing in this subsection shall prohibit the use of funds provided pursuant to this section, or non-Federal cost share funds, for the construction of a test bed or renovations to existing buildings or facilities for the purposes of research if the Oversight Board determines that the test bed or renovations are limited to a scope and scale necessary for the research to be conducted.

(f) OVERSIGHT BOARD.—The Secretary shall establish and maintain within the Department an Oversight Board to oversee the progress of Hubs.

(g) PRIORITY CONSIDERATION.—The Secretary shall give priority consideration to applications in which 1 or more of the institutions under subsection (b)(1)(A) are 1890 Land Grant Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7061)), Predominantly Black Institutions (as defined in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e)), Tribal Colleges or Universities (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), or Hispanic Serving Institutions (as defined in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e)).

(h) DEFINITIONS.—For purposes of this section:

(1) ADVANCED ENERGY TECHNOLOGY.—The term ''advanced energy technology'' means an innovative technology—

(A) that produces energy from solar, wind, geothermal, biomass, tidal, wave, ocean, or other renewable energy resources;

(B) that produces nuclear energy;

(C) for carbon capture and sequestration;

(D) that enables advanced vehicles, vehicle components, and related technologies that result in significant energy savings;

(E) that generates, transmits, distributes, utilizes, or stores energy more efficiently than conventional technologies, including through Smart Grid technologies; or

(F) that enhances the energy independence and security of the United States by enabling improved or expanded supply and production of domestic energy resources, including coal, oil, and natural gas.

(2) HUB.—The term ''Hub'' means an Energy Innovation Hub established in accordance with this section.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) QUALIFYING ENTITY.—The term ''qualifying entity'' means—

(A) an institution of higher education;

(B) an appropriate State or Federal entity, including the Department of Energy Federally Funded Research and Development Centers;

(C) a nongovernmental organization with expertise in advanced energy technology research, development, demonstration, or commercial application; or

(D) any other relevant entity the Secretary considers appropriate.

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

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $110,000,000 for fiscal year 2011;

(2) $135,000,000 for fiscal year 2012; and

(3) $195,000,000 for fiscal year 2013.

Subtitle D—Cooperative Research and Development Fund

SEC. 641. SHORT TITLE.

This subtitle may be cited as the ''Cooperative Research and Development Fund Authorization Act of 2010''.

SEC. 642. COOPERATIVE RESEARCH AND DEVELOPMENT FUND.

(a) IN GENERAL.—The Secretary of Energy shall make funds available to Department of Energy National Laboratories for the Federal share of cooperative research and development agreements. The Secretary of Energy shall determine the apportionment of such funds to each Department of Energy National Laboratory and shall ensure that special consideration is given to small business firms and consortia involving small business firms in the selection process for which cooperative research and development agreements will receive such funds.

(b) REPORTING.—Each year the Secretary shall submit to Congress a report that describes how funds were expended under this subtitle.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section each fiscal year. No funds allocated for this section shall come from funds allocated for the Office of Science.

Subtitle E—Technology Transfer Database

SEC. 651. TECHNOLOGY TRANSFER DATABASE.

To support the commercial application of new energy technologies development by the Department of Energy, the Secretary of Energy may establish an online database of technologies, capabilities, and resources available to the public at the National Laboratories.

TITLE VII—MISCELLANEOUS

SEC. 701. SENSE OF CONGRESS.

It is the sense of Congress that, among the programs and activities authorized in this Act, those that correspond to the recommendations of the National Academy of Sciences' 2005 report entitled ''Rising Above the Gathering Storm'' remain critical to maintaining long-term United States economic competitiveness, and accordingly shall receive funding priority.

SEC. 702. PERSONS WITH DISABILITIES.

For the purposes of the activities and programs supported by this Act and the amendments made by this Act—

(1) institutions of higher education chartered to serve large numbers of students with disabilities, including Gallaudet University, Landmark College, and the National Technical Institute for the Deaf, and institutions of higher education offering science, technology, engineering, and mathematics research and education activities and programs that serve veterans with disabilities, shall receive special consideration in the review of any proposals by these institutions for funding under the research and education programs authorized in this Act to ensure that institutions of higher education chartered to or serving persons with disabilities benefit from such research and education activities and programs; and

(2) agencies with respect to which appropriations are authorized under this Act shall also conduct outreach to veterans with disabilities pursuing studies in science, technology, engineering, and mathematics to ensure that such veterans are aware of and benefit from the research and education activities and programs authorized by this Act.

SEC. 703. VETERANS AND SERVICE MEMBERS.

In awarding scholarships and fellowships under this Act, an institution of higher education shall give preference to applications from veterans and service members, including those who have received or will receive the Afghanistan Campaign Medal or the Iraq Campaign Medal as authorized by Public Law 108–234 (10 U.S.C. 1121 note; 118 Stat. 655) and Executive Order No. 13363.

SEC. 704. BUDGETARY EFFECTS.

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

SEC. 705. LIMITATION ON EMPLOYMENT AND RECEIPT OF FUNDS.

No funds authorized under this Act shall be used for the employment of, or shall be received by, any individual who has been convicted of, or pleaded guilty to, a crime of child molestation, rape, or any other form of sexual assault.

SEC. 706. PROHIBITION ON LOBBYING.

Nothing in this Act shall be construed to supercede section 1913 of title 18, United States Code.

SEC. 707. INFORMATION REQUESTS BY LABOR ORGANIZATIONS.

(a) ELIGIBILITY FOR FUNDS.—Notwithstanding any other provision of this Act, an institution of higher education that employs employees who are represented by a labor organization shall be eligible to receive funding for facilities and administrative costs for an activity or program supported by this Act or the amendments made by this Act only if the institution maintains a policy that meets the requirements set forth in subsection (b).

(b) REQUIREMENTS.—A policy described under subsection (a) shall require that the institution provide, within 15 days of receipt of a request by a labor organization representing employees of the institution, any information which the labor organization has a lawful right to obtain under applicable labor laws. Such a policy shall provide that, on a case-by-case basis, such 15 days may be extended to a longer time period by mutual agreement of the labor organization and the institution.

(c) FAILURE TO COMPLY WITH POLICY.—

(1) COMPLAINT OF NONCOMPLIANCE.—In the case of an institution of higher education that does not provide information requested by a labor organization in compliance with the requirements of a policy described in subsections (a) and (b), the labor organization may file a complaint of noncompliance with the head of the agency overseeing any activity or program supported by this Act or the amendments made by this Act for which the institution is receiving funds.

(2) NOTIFICATION TO INSTITUTION.—Upon receiving such a complaint, the head of such agency shall notify the institution of the complaint and provide the institution an additional 30 days to provide the requested information to the labor organization or otherwise explain why the complaint of non-compliance is not valid.

(3) AGENCY ACTION.—If the information has not been provided by the institution at the conclusion of such 30 day period and the head of such agency determines the complaint to be valid, the head of such agency shall suspend payment of any funds for facilities and administrative costs that would otherwise be available to such institution for all activities and programs supported by this Act and the amendments made by this Act until such time as the requested information has been provided by the institution.

(d) DEFINITIONS.—For purposes of this section—

(1) the term ''institution of higher education'' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(2) the term ''facilities and administrative costs'' means facilities and administrative (F&A) costs as defined in the Office of Management and Budget Revised Circular A–21 (Cost Principles for Educational Institutions, published in the Federal Register on May 10, 2004).

(e) EFFECTIVE DATE.—This section shall take effect on January 1, 2011.

SEC. 708. LIMITATION ON USE OF FUNDS.

No funds authorized to be appropriated by this Act or the amendments made by this Act may be used to purchase gift items, knickknacks, souvenirs, trinkets, or other items without direct educational value.

SEC. 709. NO SALARIES FOR VIEWING PORNOGRAPHY.

None of the funds authorized under this Act may be used to pay the salary of any individual who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5325, the bill now under consideration.

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

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

The bill before us today, H.R. 5325, is similar to the bill the House considered last week, H.R. 5116, including all 52 amendments adopted during floor consideration last week. However, the bill differs in two respects. One, it includes language from the motion to recommit barring money from going to agency employees who were disciplined for viewing pornography at work, and two, the authorization period for all programs in the bill has been changed from 5 years to 3 years.

I understand the concerns of many of my colleagues about the overall size of a 5-year authorization, and this reduction is my sincere attempt to compromise on an issue that is very important to me and our country. The bill before us today includes an overall funding reduction of 50 percent from H.R. 5116, as introduced.

I spoke at length about the background and need for this bill last week, so I'm only going to give the highlights today.

On October 12, 2005, in response to a bipartisan, bicameral request of the Science Committee and our colleagues in the Senate, the National Academies announced the report, ''Rising Above the Gathering Storm.'' The distinguished panel, led by Norm Augustine, painted a very scary picture and told us that, without action, the future was bleak for our children and grandchildren. This report was, without question, a call to arms.

Congress responded by turning the Gathering Storm recommendation into legislative language. The final result was enactment of the America COMPETES Act of 2007, with the bipartisan support of 365 Members.

Moreover, with the leadership of Senators ALEXANDER and BINGAMAN and 69 Senate cosponsors, the Senate approved the conference report by unanimous consent. Now, after 3 years, we're back to work on reauthorizing COMPETES.

Since enactment of COMPETES, the Science and Technology Committee has held 48 hearings on areas addressed in the bill before us today. What we've heard from those hearings is that if we are to reverse the trend of the last 20 years where our country's technological edge in the world has diminished, we must make the necessary investments today.

The statistics speak for themselves. More than 50 percent of our economic growth since World War II can be directly attributed to investments in research. The path is simple. Research leads to innovation. Innovation leads to economic development and good paying jobs, and ultimately, creating good jobs is the goal of this bill.

During our committee's four markups, we accepted 25 amendments offered by the minority and, in addition, many additional changes have been made at the suggestion of the minority. I believe this is a good bill, both on substance and on inclusive procedure, and it is a better bill because of the contributions of our Members.

I specifically want to thank my friend RALPH HALL for the cooperation and the spirit with which this bill has been brought before us and the way it was handled within our committee.

I reserve the balance of my time.

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

I rise today to speak on H.R. 5325, a bill reauthorizing the America COMPETES Act. I believe long-term investment in science and technology, coupled with policies that reduce tax burdens, streamline Federal regulations, and balance the Federal budget are very vital for our Nation to remain competitive in the global marketplace. However, we must also put our fiscal house in order to ensure that we're not leveraging the future of our children and our grandchildren.

While I remain committed to the underlying goals of the America COMPETES Act, the bill before us today continues to take us in a much more costly direction and authorizes a number of new programs which have little to do with prioritizing investments in basic science, technology, engineering, and math research and development.

On May 12 and 13, this bill was considered by the full House of Representatives. Republican attempts to offer amendments to reduce the spending level in the bill and reduce the length of the authorization from 5 years to 3 years were denied. Our attempt to ensure schools serving the disabled and disabled veterans was also denied.

Because Republicans were denied the opportunity to even offer these amendments on the House floor, have a meaningful dialogue about them, we sought to ensure that these ideas were considered by all of the Members of the House of Representatives through our motion to recommit. Our motion, as you well know, included the proposed compromise language to encourage education opportunities for the disabled and disabled veterans, language to reduce the authorization levels to fiscal year 2010 levels, and to authorize these programs for 3 years rather than 5.

The motion also included provisions to eliminate a number of new spending programs in favor of supporting the core COMPETES programs. Overall spending levels were reduced by around $47 billion in the motion to recommit, but still remained well above the $24 billion in the House-passed 2007 version of COMPETES. In addition to the reductions in spending, the motion addressed concerns about Federal employees' misuse of time and government property.

When given the opportunity to consider these issues, the House of Representatives supported them overwhelmingly by a vote of 292–126. While I would have preferred to use the regular amendment process, I believe these changes made the bill better. The spending levels supported by the motion showed that we could be fiscally responsible while still supporting important investments in science and technology. It was disappointing when the majority made the decision to pull this improved bill from consideration by the whole House of Representatives.

I'm pleased that the bill before us today includes a couple of provisions from the successful motion to recommit, such as the reduction in the authorized length from 5 years to 3 years,

as well as the prohibition on paying the salaries of workers who misuse government time and property. These are sensible, good government provisions.

Unfortunately, the bill before us today continues to contain new and duplicative programs, including some that were added during floor consideration last week. For example, the bill includes language establishing energy innovation hubs at DOE which are duplicative of a number of programs already in existence at DOE. There is also a new program to pursue commercialization of clean energy technology which is duplicative of the hubs program. Several of these programs fund activities beyond basic science research and development and will divert money away from priority basic research. At a time when the Federal Government spending is out of control, we need to be streamlining and prioritizing programs to protect taxpayers, not duplicating them.

I'm also opposed to a provision that was added on the floor last week that dictates that any public university receiving funds under this bill would be required to maintain an information policy wherein failure to respond within 15 days to any union request for information would result in the threat of losing Federal funding. This provision places Federal agencies awarding funding in the role of administering State labor laws. This is an inappropriate provision that will place added burdens on our university system and certainly does nothing to advance the main goals of the COMPETES legislation.

I also remain concerned with the overall funding levels in this bill. At almost $48 billion, the bill represents $9.5 billion above the fiscal year 2010 baseline extended out 3 years. It's also important to note that the core agencies in this bill received an additional $5 billion in the American Recovery and Reinvestment Act already. Given the current state of our national economy and the fact that our Nation's budget deficit has increased 50 percent since the last authorization 3 years ago, we must be mindful of our spending if America is to continue to compete globally.

Finally, I'm disappointed that the compromise language for disabled veterans that was included in the motion to recommit is not contained in this bill. This is the second time disabled veterans language has been overwhelmingly accepted by both sides of the aisle, and this is the second time that it has been stripped out of the bill. Every one of us will run into these fine young men and women back in our districts in about 10 days when we speak to them on Memorial Day. I think we ought to be telling these wounded warriors who are returning to civilian life after making life-altering sacrifices in defense of our freedom that we just ensured that the colleges and universities they attend will get the same special consideration as other schools afforded special consideration so that they, too, can take advantage of STEM opportunities and contribute to the competitiveness of this great Nation that they so ably defended.

Unfortunately, this is no longer the case. In my opinion, this is really shameful if we were denied this small opportunity to show our appreciation not only to them but to the schools that are reaching out to them.

Mr. Speaker, I certainly rise today to urge us not to approve the present bill, and I urge my colleagues to oppose this legislation until the language that they all agreed to and agreed to include by a vote of 292–126 is put back in this bill. The will of the House and its Members should be followed.

And I, as a veteran of World War II, would hate to go back 10 days from now and look into the faces of those that we're addressing on Memorial Day, at a time when we should be remembering them, that we do stop here and pray for them and drop our heads for a minute, and I think that's a wonderful thing for the Speaker to do. But I think today's the day for us to raise our head, lift up our thoughts, remember these men and include them. If we can spend this kind of money and ignore the needs of a very dedicated few, I think we'll be making a dreadful mistake.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I will take time a little bit later to try to respond to some of Mr. HALL's concerns, but I want to get to the veterans right now. I want to assure Mr. HALL that when he goes home for Memorial Day, he can look at those veterans and say, I fought for you. I fought for you.

And I want to read the language so there'll be no misunderstanding about this issue. We don't need to have red herrings here. This is an important bill. So I'm going to read the language of the bill.

''For the purposes of the activities and programs supported by this Act and the amendments made by this Act . . . institutions of higher education offering STEM research and education activities and programs that serve veterans with disabilities shall receive special consideration in the review of any proposals by these institutions for funding under research and education programs authorized in this Act . . . ''

So let's be sure that we know that has been addressed.

Now, let me also point out that there's 435 Members of Congress, and if we each wrote a bill, we would probably write it a little bit differently. This is a matter of trying to bring folks together, develop consensus, and that's what we did with 49 different hearings, a bipartisan vote through four different markups, so I think that we have addressed that.

I will address other issues later, but I would like to now yield 2 minutes to my friend from Wisconsin (Mr. KIND).

□ 1045

Mr. KIND. I thank my good friend and colleague from Tennessee for recognizing me.

Mr. Speaker, as one of the co-chairs in the New Democrat Coalition, and as a co-chair with Representative RUSH HOLT of our Innovation Task Force, I rise in proud support of the reauthorization of the America COMPETES Act. And I commend our Chairman BART GORDON on the Science Committee for the work that he has put into producing this bipartisan bill. We may be losing him to retirement, but he is leaving one of the most important legacies that we can do around here, and that is to ensure strong and robust job growth in the short term, the midterm, and the long term. That is what this bill is all about.

This bill is about making crucial investments to make sure that our Nation remains the most innovative and creative Nation in the world, on the cutting edge of scientific, medical, and technological discoveries and breakthroughs. We do that by investing in the STEM fields of study—science, technology, engineering, math—where the job growth is going to be occurring; by investing in basic and applied research in both the private and public sector; by creating innovation centers around the Nation so that we can partner with the private sector to create the jobs of the future, and ensuring that all Americans are full participants in the 21st century global economy. That is what the America COMPETES Act is all about.

I would encourage my colleagues on the other side who may be playing this political gotcha game yet again today to stop. Stop playing this game and do the right thing and support this bill.

If you think that we ought to be prohibiting Federal dollars to be used for lobbying purposes, that's in the bill. So support it. If you believe that veterans should be full participants in all the programs being offered in the bill, including the STEM education programs, that's in the bill. If you believe that we should prohibit Federal funds from being used to pay the salaries of child molesters and rapists, that's already in the bill. And if you think we should fire any Federal employee who has been looking at pornography on their government computer, that's in this bill. So let's end the political gotcha games that delayed passage of this bill last week and do the right thing today.

I hope it's not something that's going to come up again on the floor today, because this is the right thing to do for the future of our economy. It's the right thing to do for the American people. Let's make sure that we remain the most innovative Nation in the world. That's what the America COMPETES Act does.

This should pass with wide bipartisan majorities, as the first authorization of this bill did a couple of years ago, with roughly 360 Members supporting it. We should support it again today. I urge its passage.

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

I recognize that we all write language differently. However, once the House has voted on and passed that language, I think it ought to be included in the bill that the House is considering. And that's happened not once, but a couple of times. Regretfully, I disagree with the chairman. There is no assurance in the underlying bill that a single institution helping disabled veterans would benefit.

Further, let me say this. I don't say that the gentleman from Tennessee doesn't support disabled veterans, or anybody on this floor. I think we are all mindful of the debt we owe to those people. It's a matter of trying to get together on something that really gives them that that we are intending, that we indicate that we are giving them. And they just don't receive that under the language that's proposed in this bill, but it can be fixed.

I have worked with the chairman. He is an honorable, decent, very good chairman, a good friend, and has worked hard and has improved this bill. He knocked it down from 5 years to 3. And that knocked it down to almost $47 billion, the cost of this bill. Still, $11 billion at least too excessive, but he has made an effort.

And we are so close that the language that he just read to you, if we can change two words in it. Instead of on the sixth sentence of what the current bill is that we are looking at today, they put that they serve veterans, change that just ''available to veterans.'' We are that close to settling this, and probably at least giving the veterans something, not giving them everything they need.

I just think that while it gives some special consideration to schools that are chartered for disabled students and those serving disabled veterans, it's not a consideration that's consistent with other schools in the bill or in schools with unrepresented populations today. And I say based on that, creating yet another tier or class of institutions versus playing them on the same and putting them on the same equal playing field is just not quite enough.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

We have all heard the story of two people seeing the same accident, and with their best intentions viewing it differently. You know, I think this is what we have here today. This really has become something of a red herring on a much bigger bill. But let me once again address this veterans issue.

Mr. HALL says he wants to make these programs available to the veterans. I want to require it. We require it. So let me read the language again. ''For the purposes of the activities and programs supported by this Act and the amendments made by this Act . . . institutions of higher education offering STEM research and education activities and programs that serve veterans with disabilities shall receive''—not made available—''shall receive special consideration in the review of any proposals by these institutions for funding under the research and education programs authorized in this Act . . . '' Shall receive. Not made available; shall receive.

I reserve the balance of my time.

Mr. HALL of Texas. I yield 2 minutes to the gentleman from Michigan, Dr. EHLERS.

Mr. EHLERS. I want to thank Chairman GORDON and Ranking Member HALL for all their hard work on this legislation. It is a complex bill. It has been from the start, beginning in 2006, when President George W. Bush developed the idea of the American Competitiveness Initiative, which launched a three-pronged approach by strengthening research at the NSF, the DOE, and NIST. We must continue that effort.

We heard a speech this morning during the 1-minute segment by the gentleman from Texas (Mr. JOHNSON) about his concern about our debt to the Chinese. It's going to get worse and worse unless we generate more wealth in this country. And any economist will tell you that one of the best ways to generate wealth in this Nation is through manufacturing. We must restore our manufacturing operations in this Nation. We must work together to put our country on a more stable fiscal basis. We must stop overspending. And we have to restore manufacturing and other wealth-building mechanisms such as mining and farming.

This bill goes a long way to do that, and I support this bill. It's not everything I wanted. None of us ever get everything we want. But at least we can move this bill over to the Senate. And at the very least, we can go into conference with the Senate and try to resolve the issues such as the veterans issue. I believe that we are in total agreement on what we want to achieve. I just encourage us to pass this bill, and get it into conference, where all the viewpoints can be heard and debated.

I hope my colleagues from both sides of the aisle will support the bill before us today. The National Association of Manufacturers supports it. All others who are involved in wealth generation through manufacturing support it. We absolutely have to restore our manufacturing sector. And the President we have now is trying to do that through the Department of Commerce and through the Manufacturing Council that he has appointed.

We have our work cut out for us, but I think we can come together and continue the work with the Senate and finally develop a really good bill we can all vote for.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 2 minutes to the gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 5325, the America COMPETES Reauthorization Act for 2010. It was once said, ''When the world says, Give up, Hope whispers, Try it one more time.'' America cannot afford to give up on science, innovation, and education.

I want to applaud my colleagues, the leadership, as well as the entire Committee on Science and Technology for their hard work on this legislation. Our Nation is being outpaced by competitors in graduating scientists and engineers. It is so important to invest wisely in programs that truly make a difference in the achievement of our young people.

America COMPETES is about our future. It's about ensuring that we are taking the right steps toward increasing American competitiveness and innovation. It is also about strengthening diversity in our Nation's scientific enterprise so that all Americans can compete in the 21st century. We have an obligation to the future of our Nation to ensure every segment of our population has equal access and opportunity to pursue these careers in STEM.

The bill was put together in a bipartisan fashion and represents a concerted effort to create a more competitive science and engineering workforce. This is the goal of America COMPETES, and I am pleased that the provisions are in this bill for all Americans. I will fight for innovation, justice, parity, and equality for all Americans as long as I can.

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

I thank Professor Ehlers for his good explanation of his position on the bill. That's been his position from the word ''go.'' And there were others on the Republican side in committee who differed with those of us that were addressing the bill. And we all have a right to disagree. And I respect that.

This bill got better. It didn't get better out of Rules because it didn't give us a rule that gave us a shot at it. But it got better as they had the vote yesterday. It's a little bit better as the chairman has brought it to us today. And I must say this, that the chairman has improved the ability for the veterans to benefit. And we are very close.

And the chairman has said that he wants to continue to work on this. And when we are just along three or four paragraphs, we are just two words away from it, I certainly take BART GORDON at his word and will work with him. I think that we should have the words ''available to'' instead of ''that serve'' those to veterans. What's available to them is very important. And we would like to have that in the bill.

I reserve the balance of my time.

Mr. GORDON of Tennessee. As my friend from Texas says, we have worked together long and hard on many issues. And certainly, again, we are going to continue to try to work to

get this language exactly where both parties that are seeing it in good faith can agree. To me it seems ''shall receive'' is better than ''make available,'' but we are going to work to get that together.

I yield 2 minutes to the chairman of the Research and Science Education Subcommittee, the gentleman from Illinois, Dr. LIPINSKI.

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of this bill. As chairman of the Research and Science Education Subcommittee, I want to thank Dr. EHLERS not only for his support of the COMPETES Act, but also all the work that he has done as the ranking Republican on the subcommittee and all the years he has put in on these issues in Congress.

I firmly believe that this bill is critical to maintaining America's global competitiveness. I thank Chairman GORDON for all his hard work on this bill and also his work through the years on these issues.

Passage of this bill will help produce a brighter future for our Nation and our Nation's workers. Simply put, this bill creates jobs. As a former college professor and engineer and unceasing advocate for American manufacturing, I want to focus on the National Science Foundation title. This act keeps funding for the NSF on a doubling path, and it significantly increases support for basic research, graduate education, STEM education, and turning research into jobs. America is at risk of falling behind in all these areas. We cannot stand still while our competitors move forward. If we do, we will see the jobs created on their soil, not here in America.

□ 1100

This bill also contains a number of critical programs that support innovation and manufacturing. These provisions can help reverse the outsourcing of American jobs. In addition, the COMPETES Act also includes provisions that address serious deteriorations in the state of our research infrastructure which threatens America's competitiveness. Our competitors, especially China, are stealing scientists from our country, and I hear this all the time because they are offering better opportunities, better research infrastructure for their scientists. This means they will create the innovations, they will create the jobs over in their countries.

The COMPETES Reauthorization Act takes a proactive bipartisan approach to securing America's position in the 21st century global economy and putting Americans to work.

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

Mr. GORDON of Tennessee. I yield 30 additional seconds to Dr. Lipinski.

Mr. LIPINSKI. With no investment, we have no gains. It's as simple as that. We cannot lose the race of competition to other nations. America's future depends on that. We must have the jobs. People are asking every day where are the jobs going to come from. They are going to come from the innovations that come from Americans, and this bill will help create the environment that will allow that to be done and provide a better future for our Nation.

Mr. HALL of Texas. Mr. Speaker, at this time I yield 2 minutes to the gentleman from Michigan, Dr. EHLERS.

Mr. EHLERS. I thank the gentleman from Texas, the ranking member of the committee, for being generous with his time again.

I want to point out two additional items in the bill that are going to be of great importance to our country. I've already mentioned that we must become more competitive and that we have to develop a better approach to competing with other countries, if we are going to regain or retain the leadership that we have had for several centuries.

But there is something else as well that's very important, and that is innovation. America has not only led through manufacturing but also through innovation in the products made. We have begun to slip in that category, and that is why it is so important to continue our research efforts at the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy.

I am pleased this measure before us today focuses on the challenges faced by our Nation's manufacturers, and it will broaden and strengthen manufacturing extension services which will help corporations be more productive and innovative. This will revive manufacturing innovation through research and development.

I hope my colleagues will be able to support this bill, which will be wonderful for our Nation and our financial status if we become more innovative and creative. This bill provides an opportunity to do that.

So I, once again, say let's resolve the difficulties we have with this bill. Let's get them resolved as quickly as possible so we can pass this bill and begin breathing new life into manufacturing in this Nation.

Mr. HALL of Texas. We are concerned with other parts of this program. We're concerned about the duplicative programs in the bill that are a waste of government resources and a waste of taxpayer dollars. In a time where we have scarce resources, we should be thinking about spending money on other things like research and not spending them on the same things that are in several different programs.

One example of this in H.R. 5325 is the energy innovation hubs program which duplicates a number of programs that are already available at the Department of Energy.

So let me say to the chairman and this Congress and anybody who would hear us, this bill has been improved; the chairman has been amenable to working together and making suggestions. He has listened to us. He hasn't always minded me, but he has listened; and I think that's unusual and kind of my friend from Tennessee.

He's changed this bill from an $86 billion bill to a $47 billion from 5 years to 3 years. So we feel like we've made considerable progress; and I think any bill, $86 billion to $47 billion, with that type of money, that ought to spawn money for the little disabled veterans that just want a small piece of it.

I think as we go along, and I hope that we can work this out, I hope that we will oppose this bill. We have a vote today. It's going to take two-thirds to pass it. Perhaps the chairman has the votes. But if not, I think in the next 48 hours we can improve it substantially, and once again be more proud of a bill that we've been for from the word ''go.'' We've been for the thrust of the bill. We just objected to the cost and to the failure to include little people and to duplicate so many of these processes.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore. The gentleman from Tennessee has 7½ minutes. The gentleman from Texas has 3 minutes.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I would first say to my friend from Texas that I think I probably minded him more than his kids minded him, but probably less than his grandkids have minded him. We have tried to cooperate in a lot of ways.

Let me address a couple of things.

As I said earlier, Mr. HALL has said, and rightfully so, that everyone here is supportive of our veterans and our disabled veterans. So what I would suggest is that we use a suspenders and a belt. Let's make sure. And so, Mr. HALL, I want to assure you that we're going to include your language, but we can also keep our strong language as ''shall.''

So this is what we would have: institutions of higher education offering STEM research education activities and programs, rather than that ''serve,'' we'll use your language that are available to veterans with disabilities, and then we'll continue to say ''shall'' receive special consideration. So I think this can be a suspenders and belt to do what we all want, and that is to make sure that our disabled veterans are taken care of.

Let me also mention that there is a discussion about duplicate programs. I guess sometimes that could happen. In that last bill that 365 Members of the Congress voted for, we found that there were nine programs that didn't serve well and so those programs were taken out of this bill, and I think we can have disagreements as to whether a program is duplicative or not, but the funding

doesn't go up. And so that is the good news there.

Let me also point out that on page 195, section 502, ''Coordination and Nonduplication. To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this section are coordinated with, and do not duplicate the efforts of, other loan guarantee programs within the Federal Government.'' So there is an effort to be sure that we do not have this kind of duplication.

Once again, this is a bill that authorization has been cut by 50 percent from what 365 Members of this House voted for just 3 years ago and that was unanimously approved by the other body.

And I yield 2 minutes to my friend from New Jersey, Dr. RUSH HOLT.

Mr. HOLT. Mr. Speaker, I thank the chair for yielding, and I rise in strong support of the America COMPETES Reauthorization Act. Our investments in scientific research and education underwrite our national prosperity and success. Yet for decades, we have underinvested in our Nation's tools for advancing innovation and competitiveness.

The America COMPETES Reauthorization Act will build on the successes of the original America COMPETES Act and the American Recovery and Reinvestment Act by authorizing funding levels that will continue to double the budgets of our basic research agencies: NIST, NSF, DOE's Office of Science.

I would have preferred the stability of a 5-year reauthorization, and some of my colleagues on the other side decided to play politics with science and have made that impossible. Still, the 3 years of investments authorized by this bill will pay big dividends as discoveries and innovations lead to new industries that will keep our Nation competitive.

I am pleased that despite objections by some in the minority, the bill also provides assistance for small businesses and manufacturers, strengthens STEM education, enhances the participation of underrepresented groups in technical fields, and supports research in pursuit of clean energy in the United States.

I am pleased that the bill includes a provision that I wrote to require the administration to develop national competitiveness and innovation strategy.

I commend Chairman GORDON and the S&T Committee for their hard work on this important piece of legislation, and I urge my colleagues to support it.

Mr. HALL of Texas. Mr. Speaker, I just want to reiterate that Republican motion to recommit eliminated the new programs in the bill. New programs in the bill shift an emphasis away from basic research towards technology commercialization activities that could potentially divert money away from basic research and could lead to inappropriate market innovation.

Keeping the language in the bill would reduce authorization levels in the bill by $1.3 billion. The Republican motion to recommit kept all existing programs at fiscal year 2010 appropriated levels. Given that our Nation's debt is currently $13 trillion and our Nation's budget deficit has increased 50 percent in 3 years, it's prudent to put the brakes on significant increases in spending for years to come.

This bill is better than the bill was when it was introduced. It's not as good as the bill was when it left the committee that first considered it. It's not as good a bill as it was when they accepted and voted ''yes''—Republicans and Democrats alike—on the motion to recommit.

So we've made some improvements. I'm not discouraged. I still like the thrust of the bill, and I look forward to working with the chairman from this day forward.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Let me make this suggestion: if you want to wait for the absolutely perfect bill that you agree with every word, then you shouldn't vote for this bill because this bill is a bipartisan compromise that was a result of 49 hearings, four bipartisan markups, and so we had to work together. So if you want the perfect bill that is just exactly what you want regardless of what anybody else might want, then this may not be your bill.

But if you want a bill that is going to take America forward, if you want a bill that is supported by the U.S. Chamber of Commerce, by the National Association of Manufacturers, by the Information Technology Industry Association, by the Aerospace Industry Association, by the Business Roundtable, by the Council on Competitiveness, by the National Venture Capitalists Association, by TechAmerica, by TechNet, by Technological CEO Council, by the Telecommunication Industry Association, by the Energy Sciences Coalition, by the Biotech Industry Organization, by the American Council of Education, by the Association of American Colleges and Universities, by the Association of American Universities, by the Association of Public and Land-Grant Universities, and on, and on, and on, and on, then this is the bill for you.

Now, do they agree with every word in it? No, I'm sure they don't. But do they understand that 50 percent of the growth in our GDP in this country since World War II is a direct result of the R&D investment that we made and the benefit from that R&D investment? Yes, they understand that.

And so today we have a chance to cast a vote for our kids, for our grandkids. We have a chance to cast a vote for energy independence in this country. And when I say energy independence, I don't mean just independence from foreign oil; I mean energy independence from foreign technology, also.

This is a good bill. I request everyone to take a look at it, see it, and I think they'll see that on the merits that this a good bill that serves our country. I think they'll see that this is a good bill that helps our disabled veterans. It was very specific in that.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself the amount of time that I may consume subject to my limitations.

Yes, Mr. Chairman, I would like a perfect bill. All of us would like a perfect bill, and I don't wish to pit the National Taxpayers Union who oppose this bill against the Chamber of Commerce who supports this bill. But I do seek perfection. I don't think we have a perfect bill. I doubt that we could ever get a perfect bill, but we can have a better bill. We've got a better bill than we had when it was introduced. We've got a better bill than we had when it came out of committee.

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We can reach perfection if we work long enough. I don't seek perfection, but I would like as good a bill as we can get, treating veterans the way they ought to be treated and not spending money that is needed for other matters, certainly. I urge a ''no'' vote.

I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Tennessee has 1 minute.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself that final minute.

Let me point out to my friend from Texas that the National Taxpayers Union did oppose the previous bill, but they have not taken a position on this bill. We just checked their Web site. If you have something different, we would be glad to see it, because this bill is different than the last bill. This bill cuts the authorization by 50 percent. So we have a different bill here today.

So again, as I have said before, Mr. Speaker, there are 6.5 billion people in the world. Half of those working make less than $2 a day. That is not the kind of way we want to compete in this country. We have to work at a higher technological level to be more productive. This bill will help us get there.

I thank, once again, the Republican and Democratic Members that have worked together to bring this bipartisan bill. I thank the staff of the minority and majority for working together to bring us this good bill, and I urge passage.

Mr. WU. Mr. Speaker, I rise today in strong support of the America COMPETES reauthorization, and I am particularly proud of the contribution my subcommittee—the Technology and Innovation Subcommittee—has made to this legislation. Innovation is critical to our nation's long-term global competitiveness, and we have a responsibility to support the kind of economic environment that empowers our nation's private sector to innovate and create jobs.

The bipartisan legislation we are considering today will strengthen our nation's economic competitiveness by helping to create an environment that encourages innovation and facilitates growth. Among other things, the bill makes critical investments in, and improvements to, the Manufacturing Extension Partnership, which will help this vital program better address the needs of our nation's small- and medium-sized manufacturers. The bill will also help ensure that students have the training necessary to secure a good-paying job in their community by requiring MEP centers to inform local and regional community colleges of the skills needed by area manufacturers. America COMPETES also focuses the National Institute of Standards and Technology on creating jobs, supporting competitiveness, and meeting the needs of our nation's private sector.

America COMPETES is the cornerstone of our nation's global competitiveness, and today's reauthorization bill represents another critical step in implementing the innovation agenda. I ask my colleagues to join me in supporting this important legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 5325.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HALL of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EUNICE KENNEDY SHRIVER ACT

Ms. FUDGE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5220) to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5220

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 ''Eunice Kennedy Shriver Act''.

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

TITLE I—REAUTHORIZATION OF SPECIAL OLYMPICS ACT

SEC. 101. REAUTHORIZATION.

Sections 2 through 5 of the Special Olympics Sport and Empowerment Act of 2004 (42 U.S.C. 15001 note) are amended to read as follows:

''SEC. 2. FINDINGS AND PURPOSE.

''(a) FINDINGS.—Congress finds the following:

''(1) Special Olympics celebrates the possibilities of a world where everybody matters, everybody counts, and every person contributes.

''(2) The Government and the people of the United States recognize the dignity and value the giftedness of children and adults with intellectual disabilities.

''(3) The Government and the people of the United States recognize that children and adults with intellectual disabilities experience significant health disparities, including lack of access to primary care services and difficulties in accessing community-based prevention and treatment programs for chronic diseases.

''(4) The Government and the people of the United States are determined to end the isolation and stigmatization of people with intellectual disabilities, and to ensure that such people are assured of equal opportunities for community participation, access to appropriate health care, and inclusive education, and to experience life in a nondiscriminatory manner.

''(5) For more than 40 years, Special Olympics has encouraged skill development, sharing, courage, and confidence through year-round sports training and athletic competition for children and adults with intellectual disabilities.

''(6) Special Olympics provides year-round sports training and competitive opportunities to more than 3,000,000 athletes with intellectual disabilities in 26 sports and plans to expand the benefits of participation through sport to hundreds of thousands of people with intellectual disabilities within the United States and worldwide over the next 5 years.

''(7) Research shows that participation in activities involving both people with intellectual disabilities and nondisabled people results in more positive support for inclusion in society, including in schools.

''(8) Special Olympics has demonstrated its ability to provide a major positive effect on the quality of life of people with intellectual disabilities, improving their health and physical well-being, building their confidence and self-esteem, and giving them a voice to become active and productive members of their communities.

''(9) In society as a whole, Special Olympics has become a vehicle and platform for reducing prejudice, improving public health, promoting inclusion efforts in schools and communities, and encouraging society to value the contributions of all members.

''(10) The Government of the United States enthusiastically supports the Special Olympics movement, recognizes its importance in improving the lives of people with intellectual disabilities, and recognizes Special Olympics as a valued and important component of the global community.

''(b) PURPOSE.—The purposes of this Act are to—

''(1) provide support to Special Olympics to increase athlete participation in, and public awareness about, the Special Olympics movement, including efforts to promote broader community inclusion;

''(2) dispel negative stereotypes about people with intellectual disabilities;

''(3) build community engagement through involvement in sports; and

''(4) promote the extraordinary gifts and contributions of people with intellectual disabilities.

''SEC. 3. ASSISTANCE FOR SPECIAL OLYMPICS.

''(a) EDUCATION ACTIVITIES.—The Secretary of Education may award grants to, or enter into contracts or cooperative agreements with, Special Olympics to carry out each of the following:

''(1) Activities to promote the expansion of Special Olympics, including activities to increase the full participation of people with intellectual disabilities in athletics, sports and recreation, and other inclusive school and community activities with non-disabled people.

''(2) The design and implementation of Special Olympics education programs, including character education and volunteer programs that support the purposes of this Act, that can be integrated into classroom instruction and are consistent with academic content standards.

''(b) INTERNATIONAL ACTIVITIES.—The Secretary of State, acting through the Assistant Secretary of State for Educational and Cultural Affairs, may award grants to, or enter into contracts or cooperative agreements with, Special Olympics to carry out each of the following:

''(1) Activities to increase the participation of people with intellectual disabilities in Special Olympics outside of the United States.

''(2) Activities to improve the awareness outside of the United States of the abilities and unique contributions that people with intellectual disabilities can make to society.

''(c) HEALTHY ATHLETES.—

''(1) IN GENERAL.—The Secretary of Health and Human Services may award grants to, or enter into contracts or cooperative agreements with, Special Olympics for the implementation of on-site health assessments, screening for health problems, health education, community-based prevention, data collection, and referrals to direct health care services.

''(2) COORDINATION.—Activities under paragraph (1) shall be coordinated with appropriate health care entities, including private health care providers, entities carrying out local, State, Federal, or international programs, and the Department of Health and Human Services, as applicable.

''(d) LIMITATION.—Amounts appropriated to carry out this section shall not be used for direct treatment of diseases, medical conditions, or mental health conditions. Nothing in the preceding sentence shall be construed to limit the use of non-Federal funds by Special Olympics.

''SEC. 4. APPLICATION AND ANNUAL REPORT.

''(a) APPLICATION.—

''(1) IN GENERAL.—To be considered for a grant, contract, or cooperative agreement under subsection (a), (b), or (c) of section 3, Special Olympics shall submit an application at such time, in such manner, and containing such information as the Secretary of Education, Secretary of State, or Secretary of Health and Human Services, as applicable, may require.

''(2) CONTENT.—At a minimum, an application under this subsection shall contain each of the following:

''(A) ACTIVITIES.—A description of specific activities to be carried out with the grant, contract, or cooperative agreement.

''(B) MEASURABLE GOALS.—A description of specific measurable annual benchmarks, long-term goals and objectives, and outcomes to be achieved through specified activities carried out with the grant, contract, or cooperative agreement, which shall include, at a minimum, the following:

''(i) Activities to increase the full participation of people with intellectual disabilities in athletics, sports and recreation, and other inclusive school and community activities with nondisabled people.

''(ii) Education programs that dispel negative stereotypes about people with intellectual disabilities, in the case of applications for a grant under section 3(a).

''(iii) Activities to increase the participation of people with intellectual disabilities in Special Olympics outside of the United States, in the case of applications for a grant under section 3(b).

''(iv) Health-related activities, including on-site health assessments, screening for health problems, health education, community-based prevention, data collection, and referrals to direct health care services, in the case of applications for a grant under section 3(c).

''(b) ANNUAL REPORT.—

''(1) IN GENERAL.—As a condition of the receipt of any funds for a program under subsection (a), (b), or (c) of section 3, Special Olympics shall agree to submit an annual report at such time, in such manner, and containing such information as the Secretary of Education, Secretary of State, or Secretary of Health and Human Services, as applicable, may require.

''(2) CONTENT.—At a minimum, each annual report under this subsection shall describe—

''(A) the degree to which progress has been made toward meeting the annual benchmarks, long-term goals and objectives, and outcomes described in the applications submitted under subsection (a); and

''(B) demographic data about Special Olympics participants, including the number of people with intellectual disabilities served in each program referred to in paragraph (1).

''SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated—

''(1) for grants, contracts, or cooperative agreements under section 3(a), $9,500,000 for fiscal year 2011, and such sums as may be necessary for each of the 4 succeeding fiscal years;

''(2) for grants, contracts, or cooperative agreements under section 3(b), $4,500,000 for fiscal year 2011, and such sums as may be necessary for each of the 4 succeeding fiscal years; and

''(3) for grants, contracts, or cooperative agreements under section 3(c), $8,500,000 for fiscal year 2011, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

TITLE II—BEST BUDDIES

SEC. 201. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Best Buddies operates the first national social and recreational program in the United States for people with intellectual disabilities.

(2) Best Buddies is dedicated to helping people with intellectual disabilities become part of mainstream society.

(3) Best Buddies is determined to end social isolation for people with intellectual disabilities by promoting meaningful friendships between them and their non-disabled peers in order to help increase the self-esteem, confidence, and abilities of people with and without intellectual disabilities.

(4) Since 1989, Best Buddies has enhanced the lives of people with intellectual disabilities by providing opportunities for 1-to-1 friendships and integrated employment.

(5) Best Buddies is an international organization spanning 1,300 middle school, high school, and college campuses.

(6) Best Buddies implements programs that will positively impact more than 700,000 individuals in 2010.

(7) The Best Buddies Middle Schools program matches middle school students with intellectual disabilities with other middle school students and supports 1-to-1 friendships between them.

(8) The Best Buddies High Schools program matches high school students with intellectual disabilities with other high school students and supports 1-to-1 friendships between them.

(9) The Best Buddies Colleges program matches adults with intellectual disabilities with college students and creates 1-to-1 friendships between them.

(10) The Best Buddies e-Buddies program supports e-mail friendships between people with and without intellectual disabilities.

(11) The Best Buddies Citizens program pairs adults with intellectual disabilities in 1-to-1 friendships with other people in the corporate and civic communities.

(12) The Best Buddies Jobs program promotes the integration of people with intellectual disabilities into the community through supported employment.

(b) PURPOSE.—The purposes of this title are to—

(1) provide support to Best Buddies to increase participation in and public awareness about Best Buddies programs that serve people with intellectual disabilities;

(2) dispel negative stereotypes about people with intellectual disabilities; and

(3) promote the extraordinary contributions of people with intellectual disabilities.

SEC. 202. ASSISTANCE FOR BEST BUDDIES.

(a) EDUCATION ACTIVITIES.—The Secretary of Education may award grants to, or enter into contracts or cooperative agreements with, Best Buddies to carry out activities to promote the expansion of Best Buddies, including activities to increase the participation of people with intellectual disabilities in social relationships and other aspects of community life, including education and employment, within the United States.

(b) LIMITATIONS.—

(1) IN GENERAL.—Amounts appropriated to carry out this title may not be used for direct treatment of diseases, medical conditions, or mental health conditions.

(2) ADMINISTRATIVE ACTIVITIES.—Not more than 5 percent of amounts appropriated to carry out this title for a fiscal year may be used for administrative activities.

(c) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to limit the use of non-Federal funds by Best Buddies.

SEC. 203. APPLICATION AND ANNUAL REPORT.

(a) APPLICATION.—

(1) IN GENERAL.—To be considered for a grant, contract, or cooperative agreement under section 202(a), Best Buddies shall submit an application at such time, in such manner, and containing such information as the Secretary of Education may require.

(2) CONTENT.—At a minimum, an application under this subsection shall contain the following:

(A) A description of activities to be carried out under the grant, contract, or cooperative agreement.

(B) Information on specific measurable goals, objectives, and outcomes to be achieved through activities carried out under the grant, contract, or cooperative agreement.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—As a condition of receipt of any funds under section 202(a), Best Buddies shall agree to submit an annual report at such time, in such manner, and containing such information as the Secretary of Education may require.

(2) CONTENT.—At a minimum, each annual report under this subsection shall describe the degree to which progress has been made toward meeting the specific measurable goals, objectives, and outcomes described in the applications submitted under subsection (a).

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Education for grants, contracts, or cooperative agreements under section 202(a), $10,000,000 for fiscal year 2011 and such sums as may be necessary for each of the 4 succeeding fiscal years.

TITLE III—ESTABLISHMENT OF EUNICE KENNEDY SHRIVER INSTITUTES FOR SPORT AND SOCIAL IMPACT

SEC. 301. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) For more than 50 years, Eunice Kennedy Shriver dedicated her life, energies, and resources without bounds to improving the lives of people with intellectual and developmental disabilities around the world. She stands as the iconic founder and leader of one of the most important disability rights movements in history.

(2) Eunice Kennedy Shriver founded and influenced the development of Special Olympics and Best Buddies, both of which celebrate the possibilities of a world where everybody matters, everybody counts, every person has value, and every person has worth.

(b) PURPOSE.—It is the purpose of this title to improve and advance opportunities for people with intellectual disabilities to fully participate and engage in inclusive sports and recreation, social activities, and other community opportunities, through—

(1) conducting research, data collection, and evaluation activities;

(2) providing technical assistance and training;

(3) fostering and promoting interdisciplinary collaboration, cooperation, and partnerships; and

(4) commemorating the work and contributions of Eunice Kennedy Shriver and encouraging others to emulate her leadership, including her efforts to encourage and promote greater social and community opportunities for people with intellectual disabilities and their families.

SEC. 302. ESTABLISHMENT OF INSTITUTES.

(a) IN GENERAL.—From the amount made available under section 304 that is not reserved under subsection (g), the Secretary of Education shall award competitive grants to one or more eligible entities for the purpose of establishing Eunice Kennedy Shriver Institutes for Sport and Social Impact (referred to in this title as ''Institutes'').

(b) ELIGIBLE ENTITY.—In this title, the term ''eligible entity'' means an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) with demonstrated expertise and experience in research, technical assistance, and training related to improving and advancing opportunities for people with intellectual disabilities to fully participate and engage in inclusive community opportunities, in partnership with a nonprofit organization with demonstrated expertise and experience in inclusive sports, recreation, social, educational, and community opportunities for people with intellectual disabilities.

(c) GRANT PERIOD.—Each grant awarded under this title shall be for a 3-year period.

(d) GRANT RECIPIENT CONTRIBUTION.—An eligible entity receiving a grant under this title shall provide a contribution (which may include an in-kind contribution), in an amount not less than 25 percent of the costs of the activities assisted under the grant, to carry out such activities.

(e) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this title shall be used

to supplement, and not supplant, other Federal, State, and local funds expended to carry out the purpose of this title.

(f) APPLICATION.—An eligible entity shall submit an application to the Secretary of Education at such time, in such manner, and containing such information and assurances as the Secretary may require. Such application shall, at a minimum, include—

(1) a description of activities to be carried out consistent with section 303; and

(2) annual measurable benchmarks and long-term goals and objectives to be achieved through such activities.

(g) RESERVATION OF FUNDS FOR NATIONAL ACTIVITIES.—From the amount appropriated under section 304, the Secretary of Education shall reserve not more than 10 percent to enter into a cooperative agreement, on a competitive basis, with an eligible entity for the purpose of implementing national coordination activities, including development of mechanisms for communication among grantees, dissemination of information resulting from activities under the grants, dissemination of evidence-based practices, and technical assistance to grantees.

SEC. 303. ACTIVITIES OF INSTITUTES.

(a) IN GENERAL.—Each grantee under this title shall use the grant to advance the quality of life and inclusion of people with intellectual disabilities through research and evaluation, technical assistance, training, data collection, evaluation, collaboration, and dissemination of evidence-based best practices.

(b) REQUIRED ACTIVITIES.—

(1) IN GENERAL.—Each grantee under this title shall use grant funds to—

(A) establish a research agenda and annual measurable benchmarks and long-term goals, and conduct research and evaluation of evidence-based best practices, with the goal of improving the quality of life and furthering the social inclusion of people with intellectual disabilities, in cooperation and consultation with—

(i) people with intellectual disabilities;

(ii) family members of people with intellectual disabilities;

(iii) University Centers for Excellence in Developmental Disabilities Education, Research, and Service (as designated in section 151 of the Developmental Disabilities Act (42 U.S.C. 15061));

(iv) other relevant Federal, State, and local entities conducting research related to people with intellectual disabilities;

(v) other Federal, State, and local entities serving people with intellectual disabilities; and

(vi) other relevant nonprofit organizations.

(B) provide training and technical assistance to people with intellectual disabilities, families of people with intellectual disabilities, nonprofit organizations, public entities, educational programs, recreation programs, and others to increase opportunities for inclusive participation by such people in sports and recreation, social opportunities, education, and the community, including provision of assistance to programs and entities serving primarily non-disabled people in order to successfully include people with intellectual disabilities in activities with non-disabled people;

(C) collect and analyze data related to barriers to, and factors ensuring, access to full inclusion and participation in community and quality of life for people with intellectual disabilities, including demographic data; and

(D) report on the research, findings, conclusions, and recommendations resulting from the activities of the grant.

(2) RESEARCH AND EVALUATION.—Research, evaluation, and data collection described in subparagraph (A) and (C) of paragraph (1) shall include—

(A) best practices in preventive health and wellness for people with intellectual disabilities, including sports and recreational activities;

(B) identification of barriers to, and factors ensuring, access to full inclusion and participation in community and quality of life for people with intellectual disabilities;

(C) best practices in supporting independence, community living, and inclusive social engagement for people with intellectual disabilities;

(D) physical and mental health disparities for people with intellectual disabilities; and

(E) other relevant activities related to the purpose of this title, as described by the eligible entity in the application submitted under section 302(f).

(c) REPORT.—Each recipient of a grant under this title shall prepare and submit to the Secretary of Education an annual report that includes information on progress made in achieving the projected goals and outcomes of the activities of the Institute for the previous year, including demographic information on the populations served and measurable accomplishments in advancing the quality of life and inclusion of people with intellectual disabilities in the community.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal years 2011 through 2015.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. FUDGE) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I request 5 legislative days within which Members may revise and extend and insert extraneous materials on H.R. 5220 in the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 5220, the Eunice Kennedy Shriver Act of 2010, which will provide important resources and services to the people with intellectual disabilities. This bill will reauthorize the Special Olympics Sport and Empowerment Act of 2004, provide assistance to Best Buddies to support the expansion and development of mentoring programs, and establish the Eunice Kennedy Shriver Institutes for Sports and Social Impact.

Special Olympics and the Best Buddies program would not be where they are today or mean so much to so many people without Eunice Kennedy Shriver. She dedicated her life to the goal of a fully inclusive and supportive society for people with intellectual disabilities.

Mrs. Shriver founded Special Olympics and was a longtime supporter and board member of Best Buddies. She knew that all too often people with intellectual disabilities are subject to social isolation because of their different abilities. She fought hard to ensure that children and adults with intellectual disabilities were not subject to stigmatization and prejudice.

This bill makes sure that children and adults can fully participate and engage in education, social activities, and community opportunities. With this bill, we will move closer toward the goal of increased participation and inclusivity in society for people with intellectual disabilities.

For more than 40 years, Special Olympics has provided sports training and competitive opportunities to more than 3 million athletes with intellectual disabilities. Special Olympics has enhanced the quality of life of people with intellectual disabilities, improving their health and physical well-being, building their confidence and self-esteem, and giving them a voice to become active and productive members of their communities.

Since 1989, Best Buddies has worked with 1,300 middle school, high school, and college campuses to create inclusive communities for people with intellectual disabilities through a medium of friendship. Over 700,000 people have benefited from the Best Buddies one-to-one peer matches, citizen programs for adults, and job programs that promote integration in the workplace.

Finally, this bill establishes the Eunice Kennedy Shriver Institutes for Sports and Social Impact. The Institutes support research on effective means for inclusion of people with intellectual disabilities, provide technical assistance to promote inclusion, foster collaboration among people and organizations working toward effective inclusion, and commemorate Mrs. Shriver's dedication to this cause.

As many of you recall, Mrs. Shriver passed away last August, just before her brother the late Senator Ted Kennedy, also a champion of people with disabilities. This bill is fittingly named the Eunice Kennedy Shriver Act of 2010 and honors her vision of a world where people with intellectual disabilities are successfully integrated into our schools, our workplaces, and our general communities. I share that vision and support the activities authorized by this bill.

Once again, I express my support for H.R. 5220 and thank Representative HOYER for introducing this important legislation. I also want to thank Chairman BERMAN of the Foreign Affairs Committee and Chairman WAXMAN of the Energy and Commerce Committee for working with the Education and Labor Committee on allowing this bill to move expeditiously to the floor.

I submit an exchange of letters dated May 7, May 10, and May 14, 2010, between these chairmen and Chairman MILLER to be included in the RECORD.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 7, 2010.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning H.R. 5220, the Eunice Kennedy Shriver Act, introduced by Representative Hoyer on May 5, 2010.

This bill contains provisions within the Rule X jurisdiction of the Committee on Foreign Affairs. In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this Committee's right to mark up this bill. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Foreign Affairs Committee conferees during any House-Senate conference convened on this legislation.

Please include a copy of this letter and your response in the Congressional Record during consideration of the measure on the House floor.

Sincerely,

HOWARD L. BERMAN,
Chairman.

COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES,
Washington, DC, May 10, 2010.

Hon. HOWARD L. BERMAN,
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CHAIRMAN BERMAN: Thank you for your May 7, 2010, letter regarding H.R. 5220, the Eunice Kennedy Shriver Act. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on Foreign Affairs. I acknowledge that by waiving rights to further consideration at this time of H.R. 5220, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on the Foreign Affairs has jurisdiction in H.R. 5220, or similar legislation. A copy of our letters will be placed in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

GEORGE MILLER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTE ON ENERGY AND COMMERCE,
Washington, DC, May 14, 2010.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MILLER: I am writing to confirm our understanding regarding H.R. 5220, the ''Eunice Kennedy Shriver Act.'' As you know, this bill was referred to the Committee on Energy and Commerce, which has jurisdictional interest in provisions of the bill.

In light of the interest in moving this bill forward promptly, I do not intend to exercise the jurisdiction of the Committee on Energy and Commerce through further Committee consideration of H.R. 5220. 1 do this, however, only with the understanding that forgoing further consideration of H.R. 5220 at this time will not be construed as prejudicing this Committee's jurisdictional interests and prerogatives on the subject matter contained in this or similar legislation. In addition, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation on this matter,

Sincerely,

HENRY A. WAXMAN,
Chairman.

COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 2010.

Hon. HENRY WAXMAN,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: Thank you for your May 14, 2010, letter regarding H.R. 5220, the Eunice Kennedy Shriver Act. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on Energy and Commerce. I acknowledge that by waiving rights to further consideration at this time of H.R. 5220, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Energy and Commerce has jurisdiction in H.R. 5220, or similar legislation. A copy of our letters will be placed in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

GEORGE MILLER,
Chairman.

I reserve the balance of my time.

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

I rise in support of the bill before us, H.R. 5220, the Eunice Kennedy Shriver Act.

Eunice Kennedy Shriver was the founder and honorary chairperson of Special Olympics and a leader in the worldwide effort to improve the lives and understanding of individuals with intellectual disabilities.

For more than three decades, through her work with the Joseph K. Kennedy, Jr. Foundation and Special Olympics, she worked tirelessly to seek the prevention of intellectual disabilities by identifying its causes and improving the means by which society deals with citizens who have intellectual disabilities.

Mrs. Shriver passed away on August 11, 2009, but her work to ensure that individuals with intellectual disabilities are able to lead independent lives in their communities will live on. An estimated 7 million individuals, 2 percent of the population of the United States, have intellectual disabilities which impair daily living skills needed to live and work in the local community as productive citizens. The three major known causes of intellectual disabilities are Down syndrome, fetal alcohol syndrome, and Fragile X.

The Eunice Kennedy Shriver Act will assist individuals with intellectual disabilities by continuing the Federal Government's support of programs that provide early intervention, effective education, research, and appropriate supports for individuals with intellectual disabilities so that they can reach adulthood and become contributing members of our society.

First, the bill reauthorizes the Special Olympics Sport and Empowerment Act of 2004. Special Olympics was established in 1968 and provides year-round sports training and competitive opportunities in 26 sports to more than 3 million athletes with intellectual disabilities. But it does so much more. It dispels negative stereotypes about people with intellectual disabilities, builds community engagement, increases the participation of people with intellectual disabilities in community life, and provides education and health screenings for individuals with intellectual disabilities.

Second, the bill authorizes support for Best Buddies, a nonprofit organization that provides mentors and friends to individuals with intellectual disabilities to increase their social relationships. Best Buddies was founded in 1989 by Anthony Kennedy Shriver as the first national, social, and recreational program for people with intellectual disabilities. Since that time, it has grown from one chapter to more than 1,400 middle school, high school, and college campuses all around the country.

Finally, the bill establishes Eunice Kennedy Shriver Institutes for Sport and Social Impact. Through this effort, institutions will conduct research, collect data, and evaluate evidence-based best practices, with the goal of improving the quality of life and, further, the social inclusion of people with intellectual disabilities.

Mr. Speaker, once again, I want to recognize the life and accomplishments of Eunice Kennedy Shriver. Her dedication to improving the lives of individuals with intellectual disabilities is awe inspiring, and I hope that this bill will serve as a fitting legacy to her efforts.

I reserve the balance of my time.

Ms. FUDGE. Mr. Speaker, I am pleased to recognize the gentleman from Rhode Island (Mr. KENNEDY) for such time as he may consume.

Mr. KENNEDY. I thank the gentlelady from Ohio, and I thank the gentleman, Mr. PETRI, for his wonderful words about my Aunt Eunice. I want to acknowledge my good friend and colleague, Representative BLUNT from the minority side, for his support for this bill. And I want to especially thank our majority leader, Representative HOYER, for his leadership on this issue. It has been steadfast and long appreciated by my family and all of those in the Special Olympics family.

Mr. Speaker, I rise today in support of H.R. 5220, the Eunice Kennedy Shriver Act. This bipartisan bill seeks to reauthorize the Special Olympics Sport and Empowerment Act of 2004 and to advance the development of Best Buddies mentoring and employment programs across this country.

My aunt, Eunice Kennedy Shriver, founded the Special Olympics in 1968. She did so in order to help foster a society that would celebrate and enhance the lives of those with intellectual disabilities.

She had seen those afflicted with intellectual disabilities, including her own sister Rosemary, my Aunt Rosemary, and saw that they were being shut out from fundamental opportunities that life had to offer. She had seen that this entire segment of our population was being denied the basic right to live a fulfilling life because of the stigma, because of the misunderstandings that pervaded our society about people with cognitive disorders. In witnessing these injustices, my aunt sought nothing less than to change our society's perceptions and approach to intellectual disabilities.

Over the 40 years since the inception of Special Olympics, it has done just that. By encouraging involvement in sports, in education, in health programs, Special Olympics has given rise to an entire generation of volunteers, parents, individuals, all encouraging those with intellectual disabilities to embrace their lives and their abilities. And for those who have been involved in Special Olympics, you know that it is not the disabilities. It is the abilities. And it is not just the Special Olympians who benefit from Special Olympics. It is the volunteers. It is anybody who has witnessed a Special Olympics event.

This message of understanding and compassion has led Special Olympics to develop an international organization, and today that organization represents 3 million athletes in 44,000 events all over the country, and 170 countries now have teams for the international games.

I want to commend my cousin, Tim Shriver, who carries on his mother's legacy of being CEO of Special Olympics, and my cousin, Anthony Shriver, who runs Best Buddies.

□ 1130

I want to say that if I had the chance to look back on my family's legacy, and if all of my family who held public office today were all here on the floor thinking about all of the public service in public office; if my cousin Kathleen were here, who's Lieutenant Governor; my cousin Mark, who's in the General Assembly; my cousin Joe, who was here in Congress; if my father, who served in the United States Senate for nearly five decades, who's often said to be one of the greatest Senators to ever serve in this Congress; if my Uncle Bobby, who was not only a Senator but Attorney General, was here; if my uncle, President Kennedy was here, all of them would say if there was a greater legacy in my family, it was probably none other than someone who never served in public office in my family, and that was the legacy of my aunt, Eunice Shriver, when she started the Special Olympics. It's going to be the most enduring legacy that my family ever had a part of, and it's something that all of us are very proud to be part of in the Special Olympics family. Everybody can be part of the Special Olympics. I encourage everybody to go to a Special Olympics event and, in doing so, be part of the Special Olympics spirit. It's something to behold.

Let's pass the Eunice Kennedy Shriver Act.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to my colleague from the State of Michigan, VERN EHLERS, a member of the committee.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding. That stirring speech by Mr. Kennedy, which we have just heard, reminds us of why this bill is so important. Let me also read a few passages which really struck me, in which Congress finds the following: Special Olympics celebrates the possibilities of a world where everybody matters, everybody counts, and every person contributes. The Government and the People of the United States are determined to end the isolation and stigmatization of people with intellectual disabilities and to ensure that such people are assured of equal opportunities for community participation, access to appropriate health care, and exclusive education, and to experience life in a nondiscriminatory manner.

I will stop at that point and simply say I'm very pleased to be one of the early cosponsors of this bill. I have attended Special Olympics events, and I can tell you they are more stirring and more of a blessing to the soul of the spectators than any other sporting event they can possibly go to. The children—and it is primarily for children but adults often participate, too—but they struggle so hard. And they succeed. They succeed admirably in achieving their goals. It just stirs your heart to be involved and help Special Olympics, to watch the Special Olympics, and to share the joy of the participants when they successfully complete the particular activity they're engaged in.

This is a wonderful bill. It's a wonderful opportunity. I had the pleasure of meeting Eunice Shriver a few years ago and discussed the Special Olympics with her shortly before her death. This is a major contribution she has made to the children of this country, and I strongly urge that we pass this bill.

Ms. FUDGE. Mr. Speaker, I am pleased to yield 1 minute to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlelady from Ohio, Congresswoman FUDGE, for yielding. I thank her for her leadership in bringing this bill to the floor. I thank my friend, Mr. PETRI, for his work on this legislation. I am once again, and too infrequently nowadays, glad to join with one of my best friends in the House of Representatives, ROY BLUNT from Missouri, who has worked with me for many years on this issue with the Shriver and Kennedy families.

I'm pleased that PATRICK KENNEDY is on the floor with us, my good friend and a wonderful Member of Congress, who's done such an extraordinary job representing Rhode Island and our country, and who Eunice Shriver is, I know, very proud of as she watches his commitment to those who have confronted disabilities and medical challenges. PATRICK KENNEDY has been a giant in raising the voice—and showed extraordinary courage. To that extent, that is consistent with the Kennedy legacy of courage in the face of adversity. PATRICK, thank you very much.

I met PATRICK's aunt in 1962, long before many people here were born. It was at a Young Democrats convention at the Washingtonian Motel on Route 70 in Montgomery County. Sargent Shriver was the speaker at that convention. Judy and I were at that convention. I was then 22 or 23 years of age, and I was, of course, properly awestruck by Sargent Shriver and Eunice Shriver, having gotten into politics because of John Kennedy's call for young people to become engaged.

PATRICK is correct in many ways. Certainly, one of, if not the giant of the family, was Eunice Kennedy Shriver, who, through her relationship with her sister, understood firsthand the discrimination, the isolation, the prejudice that can be directed at somebody with a disability, or at least with somebody that didn't have the same abilities that others have. Not only did she lament that but she lived her life to reverse that. That's what PATRICK was talking about, compellingly. That's why ROY BLUNT and I have joined together over the years to support this legislation.

We have had the privilege of working with Tim Shriver and Anthony Shriver, who carry on the legacy. What a wonderful family, from generation to generation passing the torch of service from one generation to the next. I have had the privilege of being a close friend of, as I said, PATRICK and his father, with whom I worked very closely over the years, and so many other members of his family.

This legislation is named in honor of Eunice Kennedy Shriver, who dedicated her long life to public service—not an elected office, but like so many more of us that served in elected office, millions and millions of Americans who saw a challenge and sought to meet it, especially committed to the inclusion of those with intellectual disabilities in the mainstream of our society. I was proud to call her friend. I was proud to be at NIH the day that we named a center for Eunice Kennedy Shriver. More

importantly, she was a friend to millions of people around the world, many of whom never knew her name and will not realize how they are the beneficiaries of her leadership and her commitment.

We have Eunice Kennedy Shriver to thank in large part for the Special Olympics and for better understanding of the challenges and potential of people with intellectual disabilities. This bill carries her legacy of inclusion and public service. It reauthorizes the Special Olympics Act, which continues grant funding for a remarkable movement that has promoted athletic competition and health for more than four decades. It emphasizes the importance of competition and competing and participating. Yes, winning is nice. But in the competition itself is the victory—the victory of spirit, the victory of courage, the victory of self-satisfaction.

Today, the Special Olympics reaches more than 3 million athletes in more than 150 countries. For those athletes, the Special Olympics means the joy of competition and the challenge of pushing themselves to be their very best. For the rest of us, the Special Olympics has increased respect for people with disabilities. From time to time, those of us who have participated in the Special Olympics, particularly some time ago, when huggers were allowed—we were huggers. Huggers simply meant, Congratulations. Well done. Keep on keeping on.

This bill also reauthorizes grants to expand the successful Best Buddies program, which is dedicated to the social integration of children and adults with intellectual disabilities. Again, Eunice Shriver and John Kennedy, Robert Kennedy, other Kennedy siblings saw Rosemary and they saw the isolation to which she was subjected. I had the opportunity of visiting Anthony in Florida, and Rosemary was at his house. The love and care extended to Rosemary was extraordinary. This was something that they lived, not just fought for.

Its volunteers gain valuable leadership opportunities and its participants with disabilities learn that they are valuable members of our communities. It is a valuable part of Eunice Kennedy Shriver's legacy, one that has found its way to more than a thousand schools and workplaces, and it deserves—and I'm sure will get—our support.

As Mrs. Shriver has said about the athletes whose competition she's supported for so many years, Special Olympic athletes are spokespersons for freedom itself—they ask for the freedom to live, the freedom to belong, the freedom to contribute, the freedom to have a chance. That should be the goal for every American with a disability, and indeed it should be the goal of us all. This bill brings it a little closer to realization.

I, again, want to thank my good friend, ROY BLUNT, who has been so deeply involved in this effort. It has been, as always, a privilege to be his partner in this effort. I urge its overwhelming adoption and again thank Congresswoman FUDGE and Congressman PETRI for their efforts.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to a special leader of this House and coauthor of the bill before us, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding and thank he and Congresswoman FUDGE for bringing this bill to the floor. I'm honored to be here on the floor with my good friend, Mr. HOYER. We first brought this concept of healthy athletes to the floor 6 years ago, when, for the first time, the Federal Government said we can add something to Special Olympics that doesn't change Special Olympics but just simply adds to it. It doesn't change the character of volunteers. It doesn't change the character of charitable contribution. It doesn't change the character of competition. It adds a component to Special Olympics that helps athletes who have many challenges discover some challenges in health that maybe no one has discovered yet.

Today, this bill would simply authorize that program, which I will talk about in some detail, for another 5 years. I hope that we continue to see the kind of things that Mr. HOYER and I have been able to watch as a result of this decision by the Congress 6 years ago. As has already been said, it also passes a bill again that this Congress has already passed—a bill that Mr. HOYER and I sponsored last year, that would provide a new level of assistance to Best Buddies, a program where adults who work with other adults who have mental challenges become the friend, the mentor, the person who brings that person more deeply into society than they otherwise would be. It also authorizes a new competitive grant program called the Eunice Kennedy Shriver Institutes for Sport and Social Impact to fund organizations that demonstrate commitment to the vision of special needs kids.

□ 1145

Earlier this year, Leanna Krogmann, a Special Olympian from Missouri, came in to see me, and along with her family and other families, Leanna reminded me of the importance of Special Olympics and its Healthy Athletes program, which really focuses on Healthy Athletes in several disciplines: Opening Eyes, Special Smiles, Healthy Hearing, FUNFitness, Health Promotion, Fit Feet and MedFest, so that those medical things that might not otherwise get checked, get checked.

PATRICK KENNEDY has come to the floor, as have others today, including Mr. HOYER, and have talked about the significant contribution that Eunice Kennedy Shriver made to the world and to America in so many ways, and the Special Olympics and Best Buddies were two of them. She grew up, of course, in a family of competitors, but her older sister Rosemary was mentally challenged and couldn't keep up. I had the opportunity a few years ago to meet Rosemary and to learn that every Christmas and every August, no matter where Rosemary was, she came to be wherever Eunice Shriver was. And I was honored to meet her and honored to speak on the floor when her life was ended about the contribution that life had made because of what her sister and her family had decided to do.

In 1962, Mrs. Shriver started the Special Olympics in her big backyard—it was a big backyard, but it was a backyard—a competition that now attracts 3 million athletes from 160 countries around the world. In August of last year, a card with this challenge was part of Eunice Kennedy Shriver's memorial service, talking about Best Buddies and talking about Special Olympians. This card read, ''The right to play on any playing field, you have earned it. The right to study in any school, you have earned it. The right to hold a job, you have earned it. The right to be anyone's neighbor, you have earned it.'' These programs make a difference in people's lives.

In Missouri in just one of the last 5 years, 1,029 athletes went through the Healthy Athlete screening free of charge. Families with many challenges often miss one. And this was something that took me a while to figure out because these are families who go to doctors, who go to events, who do lots of things, but they're dealing with lots of challenges. And maybe the one challenge they don't know they're dealing with is that this individual also can't see as well as they also thought they could or can't hear. And we find that out in these screenings. In fact, in Healthy Hearing, 18 percent of the Missourians in this year I'm talking about required follow-up care when they had their hearing test. Health Promotion, almost one in five were obese and got advice on healthy choices, on tobacco cessation, on sun safety. Opening Eyes, 230 athletes were screened in Missouri in 2007. Almost half, 45 percent, of the people screened needed prescription eyewear and didn't have it. Special Smiles, 23 percent of the 334 athletes screened were in urgent need of follow-up care. I was told by someone who runs the Missouri Special Olympics program that one young man was looking at the tree tops with his new glasses later on in the day after he had gotten them, and he said, I've always heard the birds, but I never saw the birds. One young woman said about her glasses that now her glasses meant that there was only one ball to catch instead of trying to figure out which of the two balls that had always been coming at her before was the real ball and which one she just saw.

Let's extend these programs. Let's pass this bill. Let's encourage these athletes. And again, to all my friends who have come to the floor, who have worked to make this a program where

the government makes some difference but still understands, as others have said, that anybody can volunteer, everybody is touched by being a part of this program. Watch a walk-on at your State's Special Olympics. Go to a local competition. See what it means when that card's handed out that says, ''You have earned it,'' as these Special Olympians and Best Buddies have. And I urge us to pass the bill.

Mr. SALAZAR. Mr. Speaker I rise today in support of H.R. 5220, the Eunice Kennedy Shriver Act.

On behalf of the more than 2,000 Special Olympians from my district I am so proud to honor the legacy of Eunice Kennedy Shriver, who dedicated her life to providing opportunities for children and adults with intellectual and developmental disabilities.

I also want to recognize the remarkable talent and dedication these athletes bring to their sports.

Earlier this year I was lucky to meet Erin Holloway, a Colorado Special Olympian who visited my office in January.

This remarkable young woman has competed in almost every Special Olympic sport over her 30 years in the program, before settling on golf and equestrian as her favorites.

In 2005, she became the first Special Olympian inducted into the Colorado Sports Hall of Fame.

She credits the Special Olympics program with giving her confidence in her abilities, teaching her to live independently, and the knowledge that she is a good person.

Erin's remarkable story is a testament to the impact this program has had on the lives of thousands of Americans.

This is an important program, and I urge my colleagues to support this legislation.

Mr. PETRI. Mr. Speaker, I urge all of my colleagues to support the bill before us, the Eunice Kennedy Shriver Act, and yield back the balance of my time.

Ms. FUDGE. Mr. Speaker, I, as well, would ask that my colleagues support H.R. 5220, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and pass the bill, H.R. 5220, as amended.

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

A motion to reconsider was laid on the table.

HONORABLE STEPHANIE TUBBS JONES COLLEGE FIRE PREVENTION ACT

Ms. FUDGE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2136) to establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2136

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 ''Honorable Stephanie Tubbs Jones College Fire Prevention Act''.

SEC. 2. ESTABLISHMENT OF THE HONORABLE STEPHANIE TUBBS JONES FIRE SUPPRESSION DEMONSTRATION INCENTIVE PROGRAM.

(a) GRANTS.—The Secretary of Education (in this Act referred to as the ''Secretary''), in consultation with the United States Fire Administration, shall establish a demonstration program to award grants on a competitive basis to eligible entities for the purpose of installing fire sprinkler systems, or other fire suppression or prevention technologies, in student housing and dormitories owned or controlled by such entities.

(b) ELIGIBLE ENTITY.—For purposes of this Act, the term ''eligible entity'' means any of the following:

(1) An institution of higher education (as that term is defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), including an institution eligible to receive assistance under part A or B of title III or title V of such Act.

(2) A social fraternity or sorority exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)), the active membership of which consists primarily of students in attendance at an institution of higher education (as that term is defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)).

(c) SELECTION PRIORITY.—In making grants under subsection (a), the Secretary shall give priority to eligible entities that demonstrate the greatest financial need.

(d) RESERVED AMOUNTS.—

(1) IN GENERAL.—Of the amount made available to the Secretary for grants under this section for each fiscal year, the Secretary shall award—

(A) not less than 10 percent to eligible entities that are institutions described in subsection (b)(1) that are eligible to receive assistance under part A or B of title III or title V of the Higher Education Act of 1965; and

(B) not less than 10 percent to eligible entities that are social fraternities and sororities described in subsection (b)(2).

(2) PLAN REQUIRED.—The Secretary shall develop a plan to inform entities described in subparagraphs (A) and (B) of paragraph (1) that such entities may be eligible to apply for grants under this section.

(3) INSUFFICIENT APPLICANTS.—If the Secretary determines that there are an insufficient number of qualified applicants to award the reserved amounts required in accordance with paragraph (1), the Secretary shall make available the remainder of such reserved amounts for use by other eligible entities.

(e) APPLICATION.—To seek a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(f) MATCHING REQUIREMENT.—As a condition of receipt of a grant under subsection (a), the applicant shall provide (directly or through donations from public or private entities) non-Federal matching funds in an amount equal to not less than 50 percent of the cost of the activities for which assistance is sought.

(g) SUPPLEMENT NOT SUPPLANT.—Funds made available under this program shall be used to supplement, not supplant, other funds that would otherwise be expended to carry out fire safety activities.

(h) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 2 percent of a grant made under subsection (a) may be expended for administrative expenses with respect to the grant.

(i) REPORTS.—Not later than 12 months after the date of the first award of a grant under this section and annually thereafter until completion of the program, the Secretary shall provide to the Congress a report that includes the following:

(1) The number and types of eligible entities receiving assistance under this section.

(2) The amounts of such assistance, the amounts and sources of non-Federal funding leveraged for activities under grants under this section, and any other relevant financial information.

(3) The number and types of student housing fitted with fire suppression or prevention technologies with assistance under this section, and the number of students protected by such technologies.

(4) The types of fire suppression or prevention technologies installed with assistance under this section, and the costs of such technologies.

(5) Identification of Federal and State policies that present impediments to the development and installation of fire suppression or prevention technologies.

(6) Any other information determined by the Secretary to be useful to evaluating the overall effectiveness of the program established under this section in improving the fire safety of student housing.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act such sums as may be necessary for each of the fiscal years 2010 through 2012.

SEC. 3. ADMISSIBILITY AS EVIDENCE.

(a) PROHIBITION.—Notwithstanding any other provision of law and subject to subsection (b), any application for assistance under this Act, any negative determination on the part of the Secretary with respect to such application, or any statement of reasons for the determination, shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity.

(b) EXCEPTION.—This section does not apply to the admission of an application, determination, or statement described in subsection (a) as evidence in a proceeding to enforce an agreement entered into between the Secretary and an eligible entity under section 2.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. FUDGE) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous materials on H.R. 2136 into the RECORD.

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

There was no objection.

Ms. FUDGE. Mr. Speaker, I rise today in support of H.R. 2136. I would like to thank Chairman MILLER, Ranking Member KLINE, the members of the Education and Labor Committee, and the 70 Members on both sides of the aisle who cosponsored this important

legislation, the Honorable Stephanie Tubbs Jones College Fire Prevention Act.

During the last 8 years of her career in Congress, the Honorable Stephanie Tubbs Jones tirelessly advocated for the passage of this bill. She believed, as I do, that college students must be safeguarded against house fires. When I was elected to Congress last fall, I promised myself and the people of the 11th Congressional District of Ohio that I would use my vote to support policies providing practical and lasting solutions for the district. This bill does just that. H.R. 2136, the Honorable Stephanie Tubbs Jones College Fire Prevention Act, supports the installation and management of fire suppression or fire prevention technologies in student housing, including fraternal houses. The Act directs the Secretary of Education to make competitive grants for up to half the cost of installing fire sprinkler systems or other fire suppression or prevention technologies. The funding would be disbursed to dormitories at institutions of higher education as well as fraternity and sorority housing. College students deserve safe housing with fire prevention systems, regardless of whether they live in nontraditional student housing, a sorority or fraternity house, or in dormitories. Fraternal organizations have long played a leading role in cultivating the social and intellectual well-being of our college students. We must ensure that these organizations have access to the necessary resources to protect our youth.

So far this year, there have been six deaths attributed to student housing fires. Since the year 2000, Ohio alone has suffered 13 student deaths and 36 related campus incidents due to student housing fires, according to Campus Firewatch. When fire prevention and sprinkler systems are present, students' survival rates increase by 97 percent, and property damage is lowered by 35 percent. Carol Dietz, assistant vice president of facilities at John Carroll University, which is in my district, stresses the importance of fire safety measures. John Carroll is currently planning the implementation of fire fighting technologies which cost $500,000 for each residence hall. These grants could help us defray the costs of safeguarding our students.

Once again, I would like to thank the Education and Labor Committee, the many supporters of this important legislation, and college students across the Nation who have worked tirelessly to move this legislation forward. Finally, I am grateful for the vision and compassion of my friend, the late Congresswoman Stephanie Tubbs Jones.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 2010.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: In recognition of the desire to expedite consideration of H.R. 2136, the Honorable Stephanie Tubbs Jones College Fire Prevention Act, the Committee on the Judiciary agrees to waive formal consideration of the bill as to provisions that fall within its rule X jurisdiction.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2136 at this time, it does not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward, so that we may address any remaining issues in our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor.

Thank you for your attention to this matter, and for the cooperative working relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 2010.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary, House of Representatives, Washington. DC.

DEAR CHAIRMAN CONYERS: Thank you for your May 6, 2010, letter regarding H.R. 2136, the Honorable Stephanie Tubbs Jones College Fire Prevention Act. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on the Judiciary. I acknowledge that by waiving rights to further consideration at this time of H.R. 2136, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on the Judiciary has jurisdiction in H.R. 2136, or similar legislation. A copy of our letters will he placed in the Congressional Record during, consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

GEORGE MILLER,
Chairman.

I reserve the balance of my time.

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

I rise in support of the bill before us, H.R. 2136, the Honorable Stephanie Tubbs Jones College Fire Prevention Act. Today we have an opportunity to discuss the need to bolster safety on college campuses, specifically fire safety. The name of this bill is appropriate because there was no Member of this body more concerned about protecting our college students from the dangers of fires than the late Representative Stephanie Tubbs Jones. This bill would honor Representative Tubbs Jones by naming a demonstration program in her honor.

Our Nation's college students should be able to live on campus with the confidence that they will be safe in their dorms, apartments or other housing. This measure will take a step toward allowing colleges to ensure their buildings are properly equipped with the latest fire safety measures. Specifically, this bill will allow colleges and universities hoping to participate in the demonstration program to apply for funds that can be used to install fire sprinkler systems or other fire suppression or prevention technologies on campus or in buildings controlled by the university.

This measure, combined with the provisions enacted by Congress in the Higher Education Opportunity Act, will increase campus fire safety at colleges and universities. The provisions included in the Higher Education Opportunity Act require colleges to provide a fire safety report to the Secretary of Education. The report must include statistics showing the number of fires and injuries resulting from fires on campus over the past year. We will also require colleges to report on the type of fire prevention technologies they are utilizing and any plans the college may have to improve their fire prevention and detection technologies. The bill before us today will help colleges think creatively about fire safety and ensure they have the funds to move forward with their plans.

Today we have the opportunity to provide a commitment to the safety of college students and pass a measure that will help colleges keep our young people safe from devastating fires. I urge my colleagues to support the bill before us.

I understand the majority has no further requests for time, so I yield such time as she may consume to my colleague from West Virginia, the Honorable Representative SHELLEY MOORE CAPITO.

Mrs. CAPITO. Mr. Speaker, I want to thank the gentleman and gentlewoman for bringing this bill forth. I stand today in support of H.R. 2136, the Honorable Stephanie Tubbs Jones College Fire Prevention Act. I had the pleasure of serving with Congresswoman Tubbs Jones. She was a wonderful effervescent Member of our House. She was a very strong advocate for campus fire prevention, and she is greatly missed. But we are thinking about her today.

You know, every parent expects when they send their child off to college that they will be sending them to be protected and to be safe. For the most part, that is true, but unfortunately, that's not always the case. In 2007, a fire broke out in a 64-unit apartment building which was privately owned near Marshall University in Huntington, West Virginia. It housed a number of students from Marshall. Nine people were killed in that fire, including one student who attended Marshall University and two of his siblings who were visiting him there. I was astonished to learn that there was no sprinkler system in the building, and several of the apartments didn't have smoke detectors.

Each year, unfortunately, college and university students on- and off-campus

experience hundreds of fire emergencies. Overall, most college-related fires are due to a general lack of knowledge about fire safety and prevention and also the lack of updating fire prevention equipment into the buildings. A lot of the buildings are older and were not equipped with sprinklers and other fire detection methods. This bill goes a long way, I think, to try to help solve that problem.

The great majority of student fire deaths occur in off-campus housing with insufficient exits and missing or inoperative smoke alarms or automatic fire sprinklers. These are deaths that can and should be prevented. H.R. 2136, would extend Stephanie Tubbs Jones' legacy by providing grants to institutions of higher education, fraternities and sororities to cover up to half the cost of installing fire sprinkler systems and other fire suppression or prevention technologies in student housing and in dormitories.

With that, I would like to thank the sponsors of the bill, and I urge the passage of this legislation.

Mr. PASCRELL. Mr. Speaker, I rise today in strong support of H.R. 2136, the Stephanie Tubbs Jones College Fire Prevention Act. This bill represents an opportunity to improve critical fire safety systems in college facilities across the country.

The issue of campus fire safety became personal for me after a tragic fire swept through a dorm at Seton Hall University in South Orange, New Jersey, in 2000. The blaze took the lives of three students and injured 58 more. Since that terrible day, thousands of fires have cut short the lives of 135 students throughout the country. The sad reality is that that many of those deaths could have been averted with proper fire safety equipment.

The Stephanie Tubbs Jones College Fire Prevention Act will direct the Secretary of Education to provide grants to institutions of higher education toward the installation of sprinklers and other fire prevention systems in student housing and dorms. This essential funding can make the difference in fire emergencies between life and death. No college student should have to live in a building without appropriate fire safeguards.

My home State of New Jersey has been at the forefront of this issue for many years now, mandating sprinkler systems be installed in all on-campus housing facilities at universities in the State. This legislation will enable institutions of higher education in other States to take similar steps to provide security and peace of mind to students and parents—that they will have these basic safety devices to protect them in the event of an emergency.

This bill gives special attention to colleges and universities that need funding most, and gives priority to institutions that demonstrate the greatest financial need. This key provision will help ensure that fire safety technology is not off limits to schools because of financial constraints. I believe we owe it to those students to ensure that each and every college dorm is outfitted with the most comprehensive fire prevention technology available. The Stephanie Tubbs Jones College Fire Prevention Act will provide great assistance in achieving this goal.

In considering this legislation, we should also remember its namesake—the late Congresswoman Stephanie Tubbs Jones. I had the privilege of working closely with Stephanie on critical public safety legislation, and will always remember her as a staunch advocate of life-saving fire prevention.

We are gaining ground in the battle to prevent these deadly college fires, but we must be mindful of the work that remains. The House has recognized September as Campus Fire Safety Month, which every year has helped to raise awareness of this critical issue. With the Stephanie Tubbs Jones College Fire Prevention Act, we have the opportunity to provide colleges with the funding they need to install lifesaving fire safety technology and come one step closer to extinguishing the threat of college fires once and for all.

I strongly support H.R. 2136, and call on this body to soon pass my legislation, H.R. 4908, the Campus Fire Safety Education Act of 2010, which will help deliver a life saving campus fire safety education curriculum to our Nation's colleges. I will continue to work tirelessly to make our colleges and universities a safe environment for our Nation's students.

Mr. CONYERS. Mr. Speaker, I rise today to honor my former colleague Stephanie Tubbs Jones and to address a cause she championed for much of her career in the Congress. Campus safety is a very complex and important issue. We must protect students as they walk home from their late night studies and we must protect them when they arrive in their dorms or other forms of campus housing.

Our college and universities are more open now than they have been and serve more students than they were originally planned to serve. Often times, housing buildings are the oldest buildings on a campus. This is especially the case for fraternity and sorority housing. The Stephanie Tubbs Jones College Fire Prevention Act addresses the problem many colleges and universities face with housing and fire safety.

Mr. Speaker, what made Congresswoman Tubbs Jones such an effective Member of Congress was her keen ability to see a need and fill it. This bill carries her name and does just that. I am proud to be a cosponsor of this bill and urge its passage.

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

Ms. FUDGE. Mr. Speaker, I thank my colleagues for their support, and I urge support of H.R. 2136.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and pass the bill, H.R. 2136.

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.

□ 1200

CONGRATULATING EMPORIA STATE UNIVERSITY WOMEN'S BASKETBALL TEAM

Ms. FUDGE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1292) congratulating the Emporia State University Lady Hornets women's basketball team for winning the 2010 NCAA Division II National Championship, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1292

Whereas the Emporia State University (ESU) Lady Hornet basketball team defeated the Fort Lewis Skyhawks by a score of 65 to 53 to win the 2010 NCAA Women's Division II National Championship in St. Joseph, Missouri, on March 26, 2010;

Whereas this is ESU's first ever women's national basketball championship and the first national championship in any sport since being crowned the 1984 NCAA NAIA Women's Softball National Champions;

Whereas the ESU coaching staff of head coach Brandon Schneider and assistant coaches Jory Collins and Kiel Unruh guided the Lady Hornets to a final record of 30 wins and only 5 losses;

Whereas the 2010 National Champions consisted of seniors Cassondra Boston, Jamie Augustyn, Lacy Corker, and Sophia Lenard, juniors Ashley Ferrell, Negesti Taylor, Kayla Krueger, Dava Logsdon, and Alli Volkens, sophomore Brittney Miller, and freshmen Rachel Hanf, Jocelyn Cummings, and Kelsey Newman;

Whereas ESU was led by the overall Most Outstanding Player of the tournament, Alli Volkens, who recorded 16 points, 15 rebounds, and five blocks in the championship game; and

Whereas the students, staff, alumni, and friends of Emporia State University along with the city of Emporia, Kansas, deserve much credit for their support of the Lady Hornet basketball team: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Emporia State University Lady Hornet basketball team for winning the 2010 NCAA Division II National Championship; and

(2) recognizes the achievements of all the team's players, coaches, and support staff.

The SPEAKER pro tempore (Ms. MCCOLLUM). Pursuant to the rule, the gentlewoman from Ohio (Ms. FUDGE) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. FUDGE. Madam Speaker, I ask unanimous consent for 5 legislative days during which Members can revise and extend their remarks on H. Res. 1292.

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

There was no objection.

Ms. FUDGE. Madam Speaker, I rise to congratulate the Emporia State University women's basketball team for winning the 2010 NCAA Division II Women's Basketball National Championship.

The Emporia State Lady Hornets defeated the Fort Lewis College Skyhawks 65–53 in an exciting game. The Lady Hornets took home their school's first-ever women's basketball

national championship title. Their victory was also Emporia State's first national championship win in any sport since 1984.

This Lady Hornets women's basketball season marked Coach Brandon Schneider's 10th season with Emporia State University. Coach Schneider and assistant coaches Jory Collins and Kiel Unruh guided the Lady Hornets to a final record of 30 wins and only five losses.

Sensational junior center and Elite 8 Most Outstanding Player Alli Volkens led the Hornets to their victory with 16 points, 15 rebounds, and five blocks in the game. A back-and-forth night for most of the game, the Lady Hornets started to pull away midway through the second half thanks to a 10–0 run. Rachel Hanf scored 15 points and was a perfect 3 for 3 from behind the arc.

The alumni, faculty, and staff of Emporia State University have much to be proud of. Once again I congratulate the Lady Hornets on winning their first NCAA Division II Women's Basketball National Championship and I thank Mr. MORAN for bringing this resolution forward.

I reserve the balance of my time.

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

Madam Speaker, I rise today in support of House Resolution 1292, congratulating the Emporia State University Lady Hornets women's basketball team for winning the 2010 NCAA Division II National Championship.

On March 26, 2010, the Emporia State University Lady Hornets defeated the Fort Lewis Skyhawks 65–53 in the NCAA Division II women's basketball national championship in St. Joseph, Missouri, and captured the Hornets' first-ever women's basketball national title and the university's first national title since 1984.

The Hornets' success was due, in large part, to Alli Volkens. Alli Volkens was named the overall Most Outstanding Player of the tournament and recorded 16 points, 15 rebounds, and five blocks in the championship game alone. While this player was recognized for her outstanding play, the entire team is responsible for the success of the team as NCAA Division II national champions.

The national accolades bestowed upon this team can only be attributed to Head Coach Brandon Schneider and assistant coaches Jory Collins and Kiel Unruh.

While athletic success is what brings us here today, Emporia State is also known for its excellent academics. Emporia State University aims to provide a dynamic and progressive student-centered learning community that fosters student success through engagement in academic excellence, community and global involvement, and the pursuit of personal and professional fulfillment. Emporia State University is located in the heart of the Flint Hills, Kansas, area. The university serves 6,500 students in four different colleges. Founded in 1863, ESU is noted today for their programs in business, library and information management, and liberal arts and sciences.

I extend my congratulations to Emporia State University Head Coach Brandon Schneider and his entire staff, the hardworking players, and the fans. I urge my colleagues to support this resolution.

Madam Speaker, seeing no other requests for time, I yield such time as he may consume to our colleague from Kansas, JERRY MORAN.

Mr. MORAN of Kansas. Madam Speaker, I rise and join my colleagues here today to recognize a group of young women from Kansas who exemplify the meaning of teamwork: the 2010 Emporia State University Lady Hornets, who this year won the NCAA Division II Women's Basketball National Championship.

Teams in my home State of Kansas and across the plains know the Emporia State University Lady Hornets all too well. Under the direction of Head Coach Brandon Schneider, the Lady Hornets have developed into a powerhouse of women's college basketball from the Mid-America Intercollegiate Athletics Association, the MIAA.

Heading into the 2009–2010 season, Coach Schneider had led the Lady Hornets to 10 NCAA tournament appearances, six MIAA regular season conference championships, three MIAA tournament conference championships, four NCAA South Central Regional Championships, and two NCAA Division II Final Four appearances. Moreover, at the conclusion of this season, Emporia State University had been ranked as the NCAA Division II Top 25 for the last 13 seasons and has been ranked in the top 10 in weekly polls for a total of 125 weeks since 1998, more than any other program in the country.

So what's the secret to success with this program? Ask anyone at Emporia State University, and they will point out that the young women are more than just a collection of basketball players. As the 2009–2010 Women's Basketball Media Guide explains: ''Being part of a women's basketball program is special because not only do the Lady Hornets come together to win games on the court, but they also come together as a family off the court.''

Even while players have been selected to the All-MIAA team, the MIAA-All Tournament team and even the Division II All-American Team, being a part of the Lady Hornets is not about the individual accolades, it is about teamwork, and teamwork has been their recipe for success.

Expectations were high for the 2010 season. And the Lady Hornets did not disappoint. They began the season by winning 19 of their first 20 games and were ranked as high as number four in the national polls. However, they lost three of their last five games, including the second round upset in the MIAA tournament in Kansas City. Their season seemed to be heading off track. Most teams with such high hopes and high expectations would have easily lost that hope, but the Lady Hornets were determined to overcome these setbacks and never let their dream of becoming a national championship team die.

After a quiet trip home from Kansas City to Emporia following the loss, and a little time together, the team refocused on their ultimate goal and traveled to Canyon, Texas, for the South Central Regional. Emporia State University dominated the regional and left West Texas with a ticket to the Elite 8 where the Hornets would next meet some of their fiercest competition of the year.

After wins against the number 3-ranked Michigan Technological University Huskies and the number 1-ranked Gannon University Lady Knights, the Hornets headed to the national championship game. On March 26, 2010, the Lady Hornets defeated the Fort Lewis Skyhawks by a score of 65–53 to capture their first-ever women's basketball championship.

Emporia State University athletes, coaches, students, alumni, faculty, and fans have much to be proud of after a season of hard work and dedication. After appearances in six national championship games in four sports, this is the first national championship in any sport since being crowned the 1984 MIAA Women's Softball National Champions. But this victory is special because it a testament to the power of teamwork. Good teams are able to overcome adversity, and that is exactly what the 2010 Emporia State University Lady Hornets managed to do en route to a national championship.

Congratulations to the Lady Hornets team, seniors Cassondra Boston, Jamie Augustyn, Lacy Corker, and Sophia Lenard; juniors Ashley Ferrell, Negesti Taylor, Kayla Krueger, Dava Logsdon, and Alli Volkens; sophomore Brittney Miller; and freshmen Rachel Hanf, Jocelyn Cummings, and Kelsey Newman. Congratulations to the ESU coaches, head coach Brandon Schneider and assistant coaches Jory Collins and Kiel Unruh.

Also, ESU athletic director Kent Weiser and ESU president Michael Lane deserve credit for all of their support of the team, as does assistant athletic director for media relations Donald Weast. Finally, congratulations to the Emporia State fans, some of the most dedicated in all of college basketball who have waited a long time for this accomplishment.

Madam Speaker, I encourage my colleagues to join me in commending the outstanding accomplishments of the 2010 Emporia State University Lady Hornets, a truly great team of players who know there is no ''I'' in team. Please join me in supporting H. Res. 1292 today.

Mr. TIAHRT. Madam Speaker, I rise today to express my support for H. Res 1292, and to offer my heartfelt congratulations to the Emporia State University Lady Hornets for winning the 2010 NCAA Division II National

Championship, their first national championship. They continue the proud tradition of Kansas basketball, going all the way back to James Naismith.

The Lady Hornets had a difficult road to the championship, defeating Tarleton State and West Texas A&M to reach the Sweet Sixteen. Their solid defense helped them advance with an impressive 76–45 win over Northeastern State. They reached the Final Four with a win over Michigan Tech. The very next day they faced top-ranked and undefeated Gannon University. The game went into overtime, but Emporia State prevailed, 97–94. The Lady Hornets earned the national championship with their 65–53 win over Fort Lewis College. We were impressed with all of the Hornets, and especially with junior Alli Volkens, who led the team with 16 points, 15 rebounds, 5 blocked shots, and earned the title of Most Outstanding Player of the tournament.

I want to recognize head coach Brandon Schneider, assistant coaches Jory Collins and Kiel Unruh, and the entire Lady Hornets team—Cassondra Boston, Jessen Tucker, Rachel Hanf, Jocelyn Cummings, Jamie Augustyn, Lacy Corker, Kelsey Newman, Brittney Miller, Sophia Leonard, Ashley Ferrell, Negesti Taylor, Kayla Kruger, Dava Logsdon, and Alli Volkens. Their championship is a testament to their hard work throughout their season, their effective coaching, and their dedication to teamwork. Congratulations, Lady Hornets.

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

Ms. FUDGE. Madam Speaker, I urge support of H. Res. 1292, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1292, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FUDGE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1514, H.R. 5325, House Resolution 1325, and House Resolution 1362, in each case by the yeas and nays.

Remaining postponed votes will be taken at a later time.

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

JUVENILE ACCOUNTABILITY BLOCK GRANTS PROGRAM REAUTHORIZATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1514, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 1514.

The vote was taken by electronic device, and there were—yeas 364, nays 45, not voting 21, as follows:

[Roll No. 276]

YEAS—364

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
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 (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—45

Akin
Bartlett
Brady (TX)
Broun (GA)
Burgess
Campbell
Carter
Chaffetz
Coffman (CO)
Conaway
Culberson
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Hensarling
Herger
Inglis
Issa
Jordan (OH)
Kingston
Lamborn
Lewis (CA)
Linder
Lummis
Manzullo
Marchant
McClintock
McKeon
Mica
Miller (FL)
Miller, Gary
Neugebauer
Nunes
Owens
Poe (TX)
Price (GA)
Radanovich
Rohrabacher
Royce
Shadegg
Thornberry
Westmoreland

NOT VOTING—21

Bachus
Barrett (SC)
Bilbray
Boozman
Costa
Davis (AL)
Diaz-Balart, M.
Ellison
Farr
Garamendi
Granger
Graves
Hinchey
Holden
Kirk
Mack
Paul
Putnam
Rogers (MI)
Souder
Wamp

□ 1242

Messrs. COFFMAN of Colorado, GARRETT of New Jersey, AKIN, NUNES, PRICE of Georgia, LINDER, MILLER of Florida, FLEMING, GINGREY of Georgia, NEUGEBAUER, ROHRABACHER, MANZULLO, and GARY G. MILLER of California changed their vote from ''yea'' to ''nay.''

Mr. TIAHRT changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and 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. ELLISON. Madam Speaker, on May 19, 2010, I inadvertently missed rollcall No. 276, but had I been present I would have voted "yes."

AMERICA COMPETES REAUTHORIZATION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5325, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 5325.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 261, nays 148, not voting 22, as follows:

[Roll No. 277]

YEAS—261

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

NAYS—148

Aderholt	Gingrey (GA)	Neugebauer
Akin	Gohmert	Nunes
Alexander	Goodlatte	Olson
Austria	Griffith	Paulsen
Bachmann	Guthrie	Petri
Barton (TX)	Hall (TX)	Pitts
Bilirakis	Harper	Poe (TX)
Bishop (UT)	Hastings (WA)	Posey
Blackburn	Heller	Price (GA)
Blunt	Hensarling	Radanovich
Boehner	Herger	Rehberg
Bonner	Hoekstra	Roe (TN)
Bono Mack	Hunter	Rogers (AL)
Boustany	Inglis	Rogers (KY)
Brady (TX)	Issa	Rogers (MI)
Broun (GA)	Jenkins	Rohrabacher
Brown (SC)	Johnson, Sam	Rooney
Brown-Waite, Ginny	Jordan (OH)	Ros-Lehtinen
Buchanan	King (IA)	Roskam
Burgess	King (NY)	Royce
Burton (IN)	Kingston	Ryan (WI)
Buyer	Kline (MN)	Scalise
Calvert	Lamborn	Schmidt
Camp	Lance	Schock
Campbell	Latham	Sensenbrenner
Cantor	LaTourette	Sessions
Capito	Latta	Shadegg
Carter	Lewis (CA)	Shimkus
Cassidy	Linder	Shuster
Chaffetz	LoBiondo	Simpson
Coble	Lucas	Smith (NE)
Coffman (CO)	Luetkemeyer	Smith (NJ)
Cole	Lummis	Smith (TX)
Conaway	Lungren, Daniel E.	Stearns
Crenshaw	Manzullo	Sullivan
Culberson	Marchant	Terry
Davis (KY)	McCarthy (CA)	Thompson (PA)
Diaz-Balart, L.	McClintock	Thornberry
Dreier	McCotter	Tiahrt
Duncan	McHenry	Tiberi
Fallin	McKeon	Turner
Flake	McMorris Rodgers	Upton
Fleming	Mica	Walden
Forbes	Miller (FL)	Westmoreland
Fortenberry	Miller (MI)	Whitfield
Foxx	Miller, Gary	Wilson (SC)
Franks (AZ)	Moran (KS)	Wittman
Frelinghuysen	Murphy, Tim	Young (AK)
Gallegly	Myrick	Young (FL)
Garrett (NJ)		

NOT VOTING—22

Bachus	Garamendi	Mack
Barrett (SC)	Granger	Paul
Bilbray	Graves	Pence
Boozman	Hall (NY)	Putnam
Costa	Hinchey	Souder
Davis (AL)	Holden	Wamp
Diaz-Balart, M.	Kirk	
Farr	Lynch	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1251

Mr. YOUNG of Alaska changed his vote from ''yea'' to ''nay.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HALL of New York. Madam Speaker, on rollcall No. 277, I was absent due to illness. Had I been present, I would have voted "yea."

NATIONAL MISSING CHILDREN'S DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1325, 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 Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 1325, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 20, as follows:

[Roll No. 278]

YEAS—410

Ackerman	Camp	Donnelly (IN)
Aderholt	Campbell	Doyle
Adler (NJ)	Cantor	Dreier
Akin	Cao	Driehaus
Alexander	Capito	Duncan
Altmire	Capps	Edwards (MD)
Andrews	Capuano	Edwards (TX)
Arcuri	Cardoza	Ehlers
Austria	Carnahan	Ellison
Baca	Carney	Ellsworth
Bachmann	Carson (IN)	Emerson
Baird	Carter	Engel
Baldwin	Cassidy	Eshoo
Barrow	Castle	Etheridge
Bartlett	Castor (FL)	Fallin
Barton (TX)	Chaffetz	Fattah
Bean	Chandler	Filner
Becerra	Childers	Flake
Berkley	Chu	Fleming
Berman	Clarke	Forbes
Berry	Clay	Fortenberry
Biggert	Cleaver	Foster
Bilirakis	Clyburn	Foxx
Bishop (GA)	Coble	Frank (MA)
Bishop (NY)	Coffman (CO)	Franks (AZ)
Bishop (UT)	Cohen	Frelinghuysen
Blackburn	Cole	Fudge
Blumenauer	Conaway	Gallegly
Blunt	Connolly (VA)	Garrett (NJ)
Boccieri	Conyers	Gerlach
Boehner	Cooper	Giffords
Bonner	Costello	Gingrey (GA)
Bono Mack	Courtney	Gohmert
Boren	Crenshaw	Gonzalez
Boswell	Crowley	Goodlatte
Boucher	Cuellar	Gordon (TN)
Boustany	Culberson	Grayson
Boyd	Cummings	Green, Al
Brady (PA)	Dahlkemper	Green, Gene
Brady (TX)	Davis (CA)	Griffith
Braley (IA)	Davis (IL)	Grijalva
Bright	Davis (KY)	Guthrie
Broun (GA)	Davis (TN)	Gutierrez
Brown (SC)	DeFazio	Hall (NY)
Brown, Corrine	DeGette	Hall (TX)
Brown-Waite, Ginny	Delahunt	Halvorson
Buchanan	DeLauro	Hare
Burgess	Dent	Harman
Burton (IN)	Deutch	Harper
Butterfield	Diaz-Balart, L.	Hastings (FL)
Buyer	Dicks	Hastings (WA)
Calvert	Dingell	Heinrich
	Doggett	Heller

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

NOT VOTING—20

Bachus
Barrett (SC)
Bilbray
Boozman
Costa
Davis (AL)
Diaz-Balart, M.
Farr
Garamendi
Granger
Graves
Hinchey
Holden
Kirk
Mack
Paul
Putnam
Souder
Velázquez
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1259

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.

HONORING THE LIFE OF LENA HORNE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1362, 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 Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 1362.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 1, not voting 24, as follows:

[Roll No. 279]

YEAS—405

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
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
Hinojosa
Hirono
Hodes
Hoekstra
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
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
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
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Rohrabacher

NOT VOTING—24

Bachus
Barrett (SC)
Bilbray
Boozman
Costa
Davis (AL)
Diaz-Balart, M.
Farr
Garamendi
Gordon (TN)
Granger
Graves
Hinchey
Holden
Kirk
Mack
Marshall
Paul
Poe (TX)
Putnam
Reyes
Souder
Velázquez
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1308

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROHRABACHER. Madam Speaker, on rollcall vote 279, passage of H. Res. 1362, I inadvertently voted "no" and meant to cast a "yea" vote.

PERSONAL EXPLANATION

Mr. FARR. Madam Speaker, I ask unanimous consent to speak out of order for one minute. This morning I had the privilege of attending the funeral ceremony for Col. Dan Devlin and his wife Darlene. They were interred at Arlington National Cemetery with full honors. Col. Devlin had served as Commandant at the Defense Language Institute in Monterey in my district.

However, while I was at the funeral I missed four votes. Had I been here I would have voted in this way: "Yes" on H.R. 1514, the Juvenile Accountability Block Grant Program Reauthorization; "yes" on H.R. 5325, the America COMPETES Reauthorization; "yes" on H. Res. 1325, Recognizing National Missing Childrens Day; and "yes" on H. Res. 1362, to commend the life of Lena Horne.

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.

CONGRATULATING UNIVERSITY OF TEXAS MEN'S SWIMMING AND DIVING TEAM

Ms. FUDGE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1336) congratulating the University of Texas men's swimming and diving team for winning the NCAA Division I national championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1336

Whereas, on March 28, 2010, the University of Texas Longhorns men's swimming and diving team won the 2010 NCAA Division I national championships with 500 points;

Whereas the University of Texas at Austin, located in Austin, Texas, was founded in 1883 and serves over 50,000 students today;

Whereas the University of Texas Longhorns have won more than 40 national championships, and University of Texas athletes have won 116 Olympic medals;

Whereas 2010 marked the 10th NCAA national championship for the University of Texas men's swimming and diving team;

Whereas head coach Eddie Reese led the team to excellence and became the first men's swimming and diving coach to win NCAA team titles in four separate decades; and

Whereas senior Dave Walters and sophomore Jimmy Feigen were named the 2010 Big 12 Co-Swimmers of the Year, and sophomore Drew Livingston was named the 2010 Big 12 Diver of the Year: Now, therefore, be it

Resolved, That the House of Representatives congratulates the University of Texas men's swimming and diving team for winning the 2010 NCAA Division I national championship.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. FUDGE) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. FUDGE. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1336 into the RECORD.

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

There was no objection.

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

Madam Speaker, I rise today in support of H. Res. 1336, which congratulates the University of Texas men's swimming and diving team for winning the NCAA Division I national championship.

On the final day of 2010 NCAA Division I men's swimming and diving championship competition, the University of Texas swim team knew they had a battle to fight. They started the day in second place, with an 18.5-point deficit to California. The Longhorns quickly roared from behind and overtook the Golden Bears, taking first place with 500 points, clinching their 2010 NCAA championship title.

This NCAA championship title is the Longhorns' first title since 2002. It is especially notable because of Head Coach Eddie Reese, the first coach in NCAA Division I men's swimming and diving history to win NCAA team titles in four separate decades. This victory grants the University of Texas its 45th all-time NCAA championship title and 49th overall national championship.

The entire Longhorn men's swim team demonstrated excellence this season and performed their best in their final matchups. I would like to especially recognize sophomore Jimmy Feigen, who took second for a second consecutive year in the 100 freestyle with a time of 41.91, and senior Dave Walters, who took eighth with a time of 42.96 in the event.

Texas expanded its lead over California to 433–408.5, after picking up 29 points in the 200 breaststroke. Texas wrapped up the meet by taking second in the 400 freestyle relay, as Walters, Feigen, Jostes, and Berens finished with a time of 2:49.9. University of Texas sophomore Eric Friedland nailed down his first individual All-American finish by taking seventh with a time of 1:54.8. Congratulations to Walters and Feigen, who were named the 2010 Big 12 Co-Swimmers of the Year, and sophomore Drew Livingston, who was named the 2010 Big 12 Diver of the Year.

Madam Speaker, once again, I express my support for H. Res. 1336 and congratulate the University of Texas men's swimming and diving team, Coach Reese on his outstanding achievements with the team, and each of the Longhorn men's swim team members on this extraordinary victory, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

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

I rise today in support of the resolution before us, House Resolution 1336, congratulating the University of Texas men's swimming and diving team for winning the NCAA Division I national championship.

The University of Texas at Austin, or UT, is one of the Nation's largest public universities. Founded in 1883, the university has grown to include 21,000 faculty and staff, 17 colleges, and over 50,000 students. UT awards over 8,700 bachelor's degrees annually and is a national leader in graduate degrees awarded. U.S. News and World Report ranked the University of Texas at Austin among the top 50 universities in the Nation in 2009. The university has been especially noted for its schools of engineering, business programs, and college of education.

In addition to academics, the University of Texas at Austin has excelled in athletics as well.

□ 1315

The University of Texas Longhorns have won more than 40 national championships, and UT's athletes have won 116 Olympic medals. The Longhorns men's swimming and diving team added the most recent title to UT's name.

On March 28, 2010, the University of Texas Longhorns men's swimming and diving team accumulated 500 points to win the 2010 NCAA Division I National Championship. It marked the 10th national title for the team. Head Coach Eddie Reese led the team to excellence and became the first men's swimming coach to win NCAA team titles in four separate decades. Senior Dave Walters and sophomore Jimmy Feigen were named the 2010 Big 12 co-Swimmers of the Year and sophomore Drew Livingston was named the Big 12 Diver of the Year. The University of Texas Longhorns men's swimming and diving team has shown themselves to be exemplary athletes. So I stand to congratulate the University of Texas men's swimming and diving team, Coach Eddie Reese, the students, fans, faculty, and staff of UT.

I understand that there are no requests for time by the majority and therefore would yield such time as he may consume to our colleague, the Representative from Austin and some of the surrounding area, the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Madam Speaker, I want to thank my friend and colleague from Wisconsin (Mr. PETRI) for yielding me time.

Madam Speaker, this resolution recognizes the University of Texas men's swimming and diving team for winning the NCAA Division I National Championship. Under the guidance of head coach Eddie Reese, the University of Texas men's swimming and diving team won their 10th NCAA national championship. Coach Reese became the first men's swimming and diving coach to win NCAA team titles in four separate decades. Special recognition is also owed to senior Dave Walters and sophomore Jimmy Feigen, who were named the 2010 Big 12 co-Swimmers of the Year and sophomore Drew Livingston, who was named the 2010 Big 12 Diver of the Year.

The University of Texas, which is located in my district, has an excellent athletics program. In fact, the University of Texas Longhorns have won more than 40 national championships, and University of Texas athletes have won 116 Olympic medals.

It is a pleasure to recognize the University of Texas men's swimming and diving team for winning another national championship. I hope my colleagues will join me in congratulating them on this outstanding achievement.

Mr. PETRI. Madam Speaker, I urge my colleagues to support the resolution before us.

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

Ms. FUDGE. Madam Speaker, I, too, would just ask that my colleagues support H. Res. 1336.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1336.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FUDGE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING 100TH ANNIVERSARY OF NORTH CAROLINA CENTRAL UNIVERSITY

Ms. FUDGE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1361) recognizing North Carolina Central University on its 100th anniversary, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1361

Whereas North Carolina Central University (NCCU) in Durham, North Carolina, was chartered in 1909 as a private institution and opened to students on July 5, 1910;

Whereas the school was founded by Dr. James E. Shepard as the National Religious Training School and Chautauqua for the Colored Race with the purpose of developing African-American men and women into citizens of fine character and sound academic training;

Whereas the school's name was changed to the National Training School in 1915, following its sale and reorganization;

Whereas the school became a publicly supported institution in 1923 under the name of the Durham State Normal School, with funding from the North Carolina General Assembly;

Whereas the General Assembly rededicated the institution as the North Carolina College for Negroes in 1925, making it the Nation's first State-supported liberal arts college for African-American students;

Whereas the college saw significant expansion between 1927 and 1929 through additional funding from the General Assembly, a generous gift from B.N. Duke, and contributions from the citizens of Durham;

Whereas the college was accredited by the Southern Association of Colleges and Secondary schools as a class ''A'' institution in 1937, and gained membership in that association in 1957;

Whereas the college was authorized to offer graduate studies in 1939, which led to the establishment of the School of Law in 1940 and the School of Library Science in 1941;

Whereas the General Assembly changed the name of the institution to North Carolina College at Durham in 1947 and, finally, to North Carolina Central University in 1969;

Whereas NCCU became part of the consolidated University of North Carolina system, which includes all 16 of North Carolina's public institutions that grant baccalaureate degrees, in 1972;

Whereas the university was led by Dr. Shepard from its inception until his death on October 6, 1947, and was led subsequently by Dr. Alfonso Elder, Dr. Samuel P. Massie, Dr. Albert N. Whiting, Dr. LeRoy T. Walker, Dr. Tyronza R. Richmond, Julius L. Chambers, Dr. James H. Ammons, and Dr. Charlie Nelms;

Whereas NCCU currently offers bachelors degrees in more than 100 fields of study and awards graduate degrees in about 40 disciplines;

Whereas the U.S. News and World Report recently ranked NCCU the number-one Public Historically Black College and University (HBCU) in the country, the number-one HBCU in North Carolina, and one of the top ten HBCUs in the country overall;

Whereas the NCCU School of Law has been named the ''Best Value Law School'' in the Nation by National Jurist magazine for two consecutive years;

Whereas NCCU has a state-of-the-art biotechnology research institute that collaborates with pharmacy and biotechnology companies in the Research Triangle area of North Carolina and trains students to meet the State's biotechnology workforce needs;

Whereas the university is home to the ''Marching Sound Machine,'' an award-winning marching band that will be performing on New Year's Day 2011 in the Rose Parade, and the NCCU Jazz Ensemble, which recently performed in the Newport Jazz Festival;

Whereas NCCU sports teams have won 41 conference championships, three NCAA regional titles, and two national championships (1989 NCAA Division II men's basketball and 1972 NAIA men's outdoor track and field);

Whereas more than 50 student-athletes from NCCU have won individual NCAA and NAIA national championships;

Whereas student-athletes representing NCCU competed in every Olympic Games from 1956 to 1976 in track and field, capturing eight Olympic medals during that time period, including five gold medals;

Whereas NCCU was the first State university in North Carolina to establish community service as a requirement for graduation and has been recognized by the Carnegie Foundation as a ''community-engaged university'';

Whereas NCCU has graduated approximately 40,000 students in the century since its founding and now has the largest freshman class in its history, with an overall record enrollment of more than 8,500 students; and

Whereas NCCU and its home city of Durham, North Carolina, have long enjoyed a close and mutually beneficial relationship, with the University's total economic impact on Durham and the surrounding region estimated at more than $300,000,000 per year, and thousands of NCCU graduates have served Durham and its citizens as leaders, educators, professionals, entrepreneurs, and volunteers: Now, therefore, be it

Resolved, that the House of Representatives—

(1) honors the memory of Dr. James E. Shepard for his role in founding North Carolina Central University;

(2) celebrates the 100th anniversary of North Carolina Central University, recognizes the University's accomplishments over the past century, and encourages North Carolina's citizens to participate in activities marking this historic occasion; and

(3) directs the Clerk of the House of Representatives to make available five enrolled copies of this resolution to Dr. Charlie Nelms, the current Chancellor of North Carolina Central University.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. FUDGE) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. FUDGE. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1361 into the RECORD.

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

There was no objection.

Ms. FUDGE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 1361, which celebrates North Carolina Central University for 100 years of leadership and service in higher education. North Carolina Central was originally opened to students in 1910, through the work of the school's founder, Dr. James Shepard. NCCU became a State university in 1923, when it was renamed the Durham

State Normal School. In 1969, the institution came to be known as it is today—North Carolina Central University.

The 135-acre campus of North Carolina Central University is situated on the sloping, green hills of Durham, North Carolina. The university is home to over 8,500 students this year—a record enrollment level. In fact, this year, NCCU has the largest freshman class in its history. The university currently offers bachelor's degrees in more than 100 fields of study and awards graduate degrees in about 40 disciplines. NCCU has also achieved athletic distinction. The NCCU Eagles have won 41 conference championships, 3 NCAA regional titles, and 2 national championships. More than 50 student athletes have won individual NCAA and NAIA national championships.

Finally, North Carolina Central University is also known for giving back to the Raleigh-Durham area, thanks to their community service program, which requires each student to contribute 15 hours of community service per semester. NCCU students serve as tutors in local schools, help build Habitat for Humanity housing, assist with a variety of youth programs, and promote the causes of nonprofit service agencies around the campus and neighboring community. This commitment is indicative of NCCU's tradition of cultivating graduates, who will become meaningful contributors to society.

The students, faculty, and staff of North Carolina Central University have much to be proud of as they remember and celebrate the rich cultural and academic history of their university over the past century. Once again, I congratulate North Carolina Central University on its 100-year anniversary, and thank Representative PRICE for bringing this bill forward.

I reserve the balance of my time.

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

I rise in support of House Resolution 1361, recognizing North Carolina Central University on its 100th anniversary. Since 1910, the mission of North Carolina Central University has been to prepare students academically and professionally to become leaders. NCCU was founded by Dr. James E. Shepard as the National Religious Training School and Chautauqua for the Colored Race, with the purpose of developing African American men and women into citizens of fine character and sound academic training. After several name changes in the early 1900s, the college saw a significant expansion between 1927 and 1929 through additional funding from the General Assembly, a generous gift from B.N. Duke, and contributions from the citizens of Durham.

NCCU is a comprehensive institution which offers bachelor's degrees in more than 100 fields of study and awards graduate degrees in an estimated 40 disciplines. The university has a state-of-the-art biotechnology research institute, which collaborates with pharmacy and biotech companies in the much-touted Research Triangle Park area, where NCCU is found.

With nearly 9,000 students enrolled, this Historically Black University is diverse. International studies and exchange programs attract exchange students from more than 12 countries, including Liberia, India, Senegal, Sierra Leone, Nepal, China, the Czech Republic, Nigeria, South Korea, Russia, the Dominican Republic, Mexico, and South Africa. Through the scholarship and teaching of its faculty and the many contributions to society of its alumni, NCCU seeks to fulfill its motto of ''Truth and Service.''

I'd like to congratulate NCCU Chancellor Charlie Nelms, the faculty, staff, and students, as they celebrate their 100th anniversary. I ask my colleagues to support this resolution.

I reserve the balance of my time.

Ms. FUDGE. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. I thank my colleague for yielding.

Madam Speaker, I rise today in support of H. Res. 1361, which commemorates the centennial anniversary of North Carolina Central University and honors its founder, Dr. James E. Shepard. I've introduced this resolution as the Member of this body privileged to represent North Carolina Central, but I'm proud to say it has the support of the entire North Carolina delegation, as well as a number of other Members who recognize the university's significance.

People frequently talk about the Big Three universities in the Research Triangle area of North Carolina, referring to Duke University, North Carolina State University, and the University of North Carolina at Chapel Hill. But I like to remind them that it actually is the Big Four. North Carolina Central is as fully integral to the historical fabric of our State as its three peer institutions. It is one of the oldest and most prestigious Historically Black Colleges and Universities (HBCUs) in the Nation. And it has rapidly assumed an important role as a research institution.

Established by Dr. James E. Shepard in 1909 in Durham, North Carolina, the university first opened its doors to students a year later as the National Religious Training School and Chautauqua. Dr. Shepard was a visionary leader guided by the conviction that individual self-improvement and collective self-advancement were inextricably intertwined. ''There is no economy in ignorance,'' he declared. ''Education is a vastly expensive resource, but ignorance is incomparably more so. Ignorance and poverty are cures for nothing.''

Dr. Shepard led the university until his death in 1947, guiding the institution through several name changes, watching the university grow in size and mission, and helping the school gain the support of the North Carolina State Legislature. In 1925, thanks to Dr. Shepard's leadership, the school became the Nation's first State-supported liberal arts college for African American students.

Now an integral part of the University of North Carolina system, NC Central offers bachelor's degrees in more than 100 fields of study and graduate degrees in about 40 disciplines to a student body of around 8,500. U.S. News and World Report recently ranked NC Central as the top public HBCU in the Nation and one of the top 10 HBCUs overall. The NC Central School of Law has been named the ''Best Value Law School'' in the Nation by National Jurist magazine for 2 consecutive years.

NC Central is also renowned for its contributions to the cultural and performing arts. The university is home to the Marching Sound Machine, an award-winning marching band that will be performing on New Year's Day, 2011, in the Rose Bowl Parade, and the North Carolina Central Jazz Ensemble, which recently performed in the Newport Jazz Festival.

NC Central also has a strong history of athletic prowess. It's sports teams have won 41 conference championships, 3 NCAA regional titles, and 2 national championships. More than 50 of its student athletes have won individual NCAA and NAIA national championships, and student athletes representing NCCU competed at every Olympic games from 1956 to 1976 in track and field, capturing eight Olympic medals, including five gold medals, during that period.

As a co-chair of the congressional National Service Caucus, I must also note that NC Central was the first State university in North Carolina to establish community service as a requirement for graduation and has been recognized by the Carnegie Foundation as a ''community-engaged university.'' It should therefore come as no surprise that the university has enjoyed a mutually beneficial relationship with its home city of Durham throughout its 100-year history.

Thousands of NC Central graduates have served Durham as community leaders, educators, professionals, entrepreneurs, and volunteers. However, the reach of the university extends far beyond the Triangle region of North Carolina. In the century since its founding, the university has graduated approximately 40,000 students and proudly boasts many distinguished alumni, including civil rights lawyer and educator Julius L. Chambers; basketball Hall-of-Famer Sam Jones; two-time Olympic track gold medalist Lee Calhoun; North Carolina Superior Court Judge Toby Fitch; State Senator and former House Speaker Dan Blue; and State Representative Mickey Michaux; not to mention my friend and the lead cosponsor of this legislation, our own colleague, G.K. BUTTERFIELD.

□ 1330

In the words of NC Central's current chancellor, Dr. Charlie Nelms, ''It's no small accomplishment that an institution of higher education—and in this case founded by African Americans at a time when African Americans were barred from most colleges—survived and thrived for 100 years.'' I could not agree more. Under the visionary leadership of Dr. Shepard, Dr. Nelms and all who served the institution in between, the university has flourished and has touched countless lives in North Carolina and throughout the country and the world.

With that, I urge my colleagues to join me in support of this resolution.

Mr. PETRI. I continue to reserve the balance of my time.

Ms. FUDGE. Madam Speaker, I am pleased to yield as much time as he may consume to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Let me thank the gentlewoman for yielding the time and thank her for her work on the committee and her work here in the Congress. She is certainly representing her district very well, and I thank her for that. Let me also thank the ranking member, the gentleman from Wisconsin, who is managing the bill on the floor today for his friendship and thank him for the kind words he said about my alma mater, North Carolina Central University. I particularly want to thank my good friend, Congressman DAVID PRICE, who proudly and effectively represents Durham County and the surrounding counties, which is the home of North Carolina Central University. I thank him for what he means to that community. Congressman PRICE has been so involved in the life of the university for so long, and I want to thank him publicly for that effective leadership.

Madam Speaker, I first arrived on the NCCU campus way back in August of 1965. It was a great year. I remember it so well. At the time, the university was named North Carolina College at Durham. It was while I was there at Central that the name was actually changed to North Carolina Central University. Not only did I receive a very effective and appropriate undergraduate education at the university, but I also received my law degree there at North Carolina Central University School of Law. So I have a lot to be proud of, and I have a lot to be thankful for. That's why I have come to the floor today to pay tribute to this great institution for its service over the past 100 years.

As Congressman PRICE said a moment ago, North Carolina Central University was established in 1910. It has grown into one of our Nation's oldest and most prestigious Historically Black Colleges and Universities, and all of us who attended North Carolina Central know the history of Dr. James E. Shepard. He was an extraordinary leader whose vision for the university has come to fruition. We call ourselves the Eagles. Congressman PRICE referred to that a few moments ago, and so we are certainly Eagles.

NCCU offers degrees in more than 100 fields of study. It awards graduate degrees in approximately 40 disciplines to a student body of 8,500. I believe when I started at the university in 1965, there were some 3,500 students at the school, and so the census and the population of the student body has actually doubled.

North Carolina Central University boasts a state-of-the-art biotechnology research institute that allows students to collaborate with pharmacy and biotechnology companies in North Carolina's Research Triangle Park. North Carolina Central University holds the top spot among public schools in the U.S. News & World Report's latest ranking of the Nation's Historically Black Colleges and Universities.

Finally, Madam Speaker, as I take my seat, I cannot help but mention the fact that we have nine NCCU law students on the Hill serving as interns this summer. They have been placed in various offices throughout the House of Representatives, and they represent the best of North Carolina Central University. They are our future leaders, indeed. And so we honor this great institution today. I ask my colleagues to join with us in voting ''aye'' on H. Res. 1361.

Mr. ETHERIDGE. Madam Speaker, I rise in strong support of H. Res. 1361, which celebrates the centennial anniversary of North Carolina Central University, NCCU.

Even in a state like North Carolina, which is blessed with many fine colleges and universities and which honors and respects higher education, NCCU stands out.

It was recently ranked as one of the top HBCUs in the nation. Central has been responsible for the education of many distinguished North Carolinians. To name just a few, these include civil rights lawyer and educator Julius L. Chambers, basketball Hall of Famer Sam Jones, two-time Olympic track gold medalist Lee Calhoun, and former U.S. Congresswoman Eva Clayton.

More personally, several of my staffers or former staffers received a fine education at Central. Carolyn Smith, who has served as a district representative in Raleigh for nearly a decade now, received two degrees in Public Administration from NCCU. Former staffers Courtney Crowder, Mercedes Rustucha, and Jake Parker also studied there.

Central has survived and thrived for 100 years because of its dedication to the education of all Americans. As its founder, Dr. James E. Shepard, said, ''Education is a vastly expensive resource, but ignorance is incomparably more so.'' Our nation is well-served by its investments in education and by its commitment to fine institutions like NCCU.

Madam Speaker, I am proud to be a cosponsor of this resolution. I commend my colleague, Congressman DAVID PRICE for his leadership in authoring this measure, and I urge my colleagues to join me in celebrating 100 years of educational greatness in central North Carolina by voting yes on H. Res. 1361.

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

Ms. FUDGE. Madam Speaker, I have no further requests for time. I would urge my colleagues to support H. Res. 1361, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1361, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FUDGE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL CHILDHOOD OBESITY AWARENESS MONTH

Mrs. CAPPS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 996) expressing support for designation of September as National Childhood Obesity Awareness Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 996

Whereas during the past four decades, obesity rates have soared among all age groups, increasing more than fourfold among children ages 6 to 11;

Whereas 31.8 percent or 23,000,000 children and teenagers ages 2 to 19 are obese or overweight, a statistic that health and medical experts consider an epidemic;

Whereas significant disparities exist among the obesity rates of children based on race and poverty; for example on average 38 percent of Mexican-American children and 34.9 percent of African-American children ages 2 to 19 are overweight or obese, compared with 30.7 percent of White children and 39.5 percent of low-income American Indian and Alaska Native children ages 2 to 5;

Whereas the financial implications of childhood obesity pose a financial threat to our economy and health care system, carrying up to $14,000,000,000 per year in direct health care cost, with people in the United States spending about 9 percent of their total medical costs on obesity-related illnesses;

Whereas obese young people have an 80 percent chance of being obese adults and are more likely than children of normal weight to become overweight or obese adults, and therefore more at risk for associated adult health problems, including heart disease, type 2 diabetes, sleep apnea, stroke, several types of cancer, and osteoarthritis;

Whereas in part due to the childhood obesity epidemic, 1 in 3 children (and nearly 1 in 2 minority children) born in the year 2000 will develop type 2 diabetes at some point in their lifetime if current trends continue;

Whereas some consequences of childhood and adolescent obesity are psychosocial and

can hinder academic and social functioning and persist into adulthood;

Whereas participating in physical activity is important for children and teens as it may have beneficial effects not only on body weight, but also on blood pressure and bone strength;

Whereas proper nutrition is important for children before birth and through their life span as nutrition has beneficial effects for health and body weight, and is important in the prevention of various chronic diseases;

Whereas childhood obesity is preventable, yet does not appear to be declining;

Whereas public, community-based, and private sector organizations and individuals throughout the United States, including First Lady Michelle Obama, are working to decrease childhood obesity rates for people in the United States of all races through a range of efforts, including educational presentations, media campaigns, Web sites, policies, healthier food options, and greater opportunities for physical activity; and

Whereas America on the Move, American Beverage Association, American College of Sports Medicine, American Diabetes Association, American Dietetic Association, American Heart Association, American Medical Association, American Medical Group Association, American Sleep Apnea Association, American Society of Bariatric Physicians, American Society for Metabolic and Bariatric Surgery, American Society for Nutrition, American Society of Landscape Architects, Amerinet, BET Foundation, Black Leadership Forum, Black Women's Health Imperative, Campaign to End Obesity, Canyon Ranch Institute, Center for Science in the Public Interest, Children's Health Fund, Children's National Medical Center, Children Now, COSHAR Foundation, First Focus, Grocery Manufacturers Association, Healthcare Leadership Council, HealthCorps, Healthways, International, Health, Racquet, and Sportsclub Association, Medical Fitness Association, NAACP, National Association of Children's Hospitals, National Association of Chronic Disease Directors, National Association of School Nurses, National Association for Sport and Physical Education, National Black Nurses Association, National Collaboration for Youth, National Congress of Black Women, Inc., National Council of Urban Indian Health, National Family Caregivers Association, National Football League, National Football League Players Association, National Indian Health Board, National Latina Health Network, National League of Cities, National Medical Association, National Recreation and Park Association, Nemours, Obesity Action Coalition, Partnership to Fight Chronic Disease, Partnership for Prevention, PepsiCo, Richard Simmons' Ask America PE Crusade, Safe Routes to School National Partnership, ShapeUp America!, STOP Obesity Alliance, The Coca-Cola Company, The Obesity Society, Trust for America's Health, United Fresh Produce Association, United Way, University Hospitals Rainbow Babies & Children's Hospital, U.S. Conference of Mayors, U.S. Preventive Medicine, Inc., Voices for America's Children, YMCA of the USA, YWCA USA, and other organizations support the designation of September as National Childhood Obesity Awareness Month to educate the public about the need for increased education and proactive steps to prevent childhood obesity in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Childhood Obesity Awareness Month to raise public awareness and mobilize the country to address childhood obesity;

(2) recognizes the importance of preventing childhood obesity and decreasing its prevalence in the United States; and

(3) requests that the President encourage the Federal Government, States, tribes and tribal organizations, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of promoting healthy eating and physical activity and increasing awareness of childhood obesity among individuals of all ages and walks of life.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Pennsylvania (Mr. PITTS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

Mrs. CAPPS. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 996, expressing support for the designation of September as National Childhood Obesity Awareness Month. I would like to commend my colleague from Ohio, MARCIA FUDGE, for introducing this resolution which I am proud to cosponsor.

This is a bipartisan resolution, supported by over 75 national organizations representing both the public and private sectors. By dedicating September, the month when most children have returned to school, to focus attention on combating childhood obesity, we can set our kids on a healthier course for the entire school year. Consideration of this resolution is particularly timely, given last week's release of the Task Force on Childhood Obesity's report by the White House and the strong championship of First Lady Michelle Obama on this issue.

According to the Centers for Disease Control and Prevention, one in every three American children ages 2 to 19 is overweight or obese, and studies conducted at the National Center for Health Statistics of the CDC found that obesity more than tripled among children and adolescents between 1976 and 2008. Childhood obesity is a problem for the entire Nation, but it is more common among certain racial and ethnic groups, with the highest obesity rates present among African American girls and Hispanic boys.

Obesity is a serious health threat. It's estimated to cause 112,000 deaths per year, and one in three children born in the year 2000 are expected to develop diabetes during his or her lifetime. Unless this trend is reversed, at least 23 million American kids will be in danger of becoming the first generation in American history to have shorter life spans than their parents. As a former school nurse, I've seen all too well that the consequences of obesity aren't just manifested physically. There are also devastating behavioral and mental health implications, as obesity is associated with lower self-esteem, poor academic achievement and depression.

Supporting awareness and prevention of childhood obesity can help us eliminate billions of dollars in unnecessary health care costs and help promote a healthier lifestyle that will prolong and improve the lives of the next generation of Americans. I urge my colleagues to vote in favor of this resolution.

I reserve the balance of my time.

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

I rise in support of H. Res. 996, to support the designation of September as National Childhood Obesity Awareness Month. A third of the people ages 2 to 19 are obese now, and experience tells us that they probably will grow both literally and figuratively into obese adults. It means that in just a few years, a disproportionately high number of them will hear a doctor explain that they have heart disease or diabetes or cancer or arthritis or an increased chance of having a stroke. But childhood obesity is preventable, and so it doesn't have to lead to bad news in a doctor's office later in life. Exercise and good nutrition that start early not only fight childhood obesity but also instill the habits that promote lifelong health.

Let me say a word about personal responsibility here. No congressional resolution can replace the good sense of concerned parents. I think most parents know instinctively that healthy families produce healthy adults, and I commend them. I also think they deserve our recognition and appreciation and encouragement. In the final analysis, any attempt to raise awareness of a problem like childhood obesity must involve individuals making good choices for the sake of their own health. Raising our voices to help advance public awareness of that crucial, beneficial truth is worthwhile business for the people's House to undertake.

I would like to thank the sponsor of this resolution, Representative MARCIA FUDGE from Ohio, for all of her work on this resolution. I would also like to thank Representative BONO MACK who has labored so hard to bring attention to the childhood obesity problem. We stand in support of this legislation and hope that our colleagues will join us.

Madam Speaker, I reserve the balance of my time.

Mrs. CAPPS. Madam Speaker, I am pleased to yield such time as she may consume to the gentlelady from Ohio, Congresswoman FUDGE.

Ms. FUDGE. I thank the gentlewoman from California so much. This is something for which I am very, very passionate, and I am pleased and proud

to be one of the sponsors of this legislation and to be on this floor today to talk just briefly about it. I, along with Representative KAY GRANGER of Texas, introduced House Resolution 996, designating September 2010 as National Childhood Obesity Awareness Month. This is a bipartisan resolution, supported by over 75 national organizations including the U.S. Conference of Mayors, the National Education Association, the YMCA, the YWCA, the American Medical Association, United Way, NAACP, and the National Indian Health Board.

Dedicating at least one month out of each year to bring awareness to the issue of childhood obesity will help maximize the effect of programming, messaging and campaigns—all aligned with the sole purpose of eradicating childhood obesity. According to the Alliance for a Healthier Generation, one in three children are already overweight or obese. Unless we work to reverse this epidemic, these 23 million kids will be in danger of never being grandparents. Imagine living a life, and you know that you may never live long enough to be a grandparent. Imagine a day when our children can't play on playgrounds because they can't play kickball because they're winded; or they can't play basketball because they're winded; or they can't run track. This is very, very important. I want to say that it is significant that we today work with the White House and so many others who are looking at how we deal with not just obesity but nutrition. It is important for us to be sure that young people receive a healthy start, and a lot of that is not in the hands of young people. It is in our hands.

The financial implications of childhood obesity are overwhelming, at $14 billion per year in direct health care costs. Supporting awareness and prevention of childhood obesity will eliminate billions of dollars in unnecessary health care costs and help promote a healthier lifestyle that will prolong and improve the lives of the next generation of Americans.

□ 1345

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

Mrs. CAPPS. Madam Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Madam Speaker, I rise today in support of H. Res. 996, a resolution to recognize September as National Childhood Obesity Awareness Month, and I applaud Congresswoman FUDGE for introducing this resolution to bring awareness to such an important issue.

Obesity has been linked to a wide range of negative health outcomes, and the alarming rise of childhood obesity, if left unchecked, could lead to a national health crisis. Obese children are at greater risk for a number of diseases and are more likely to have health problems that put them at risk throughout their life for diabetes, cardiovascular illness, and cancer.

According to the Centers for Disease Control, childhood obesity has more than tripled in the past 30 years, so it is vital that we take action, recognize the problem, and begin to address it.

I, too, would like to commend First Lady Michele Obama and, in Nevada, State Senator Valerie Weiner for their tireless efforts to combat this problem.

I am also proud to serve on the Education and Labor Committee which will soon be taking up reauthorization of the Child Nutrition Act. I look forward to the opportunity to address childhood obesity and the crisis it creates through that important legislation.

In the meantime, I am pleased to support the resolution before us today, H. Res. 996, brought by the gentlewoman from Ohio (Ms. FUDGE) because it will help raise awareness of childhood obesity, acknowledge its adverse lifetime consequences, and offer ways to combat the growing problem.

Mrs. CAPPS. Madam Speaker, I have no further speakers, so I urge my colleagues to support H. Res. 996, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 996, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. CAPPS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING SIGNIFICANT CONTRIBUTIONS OF U.S. AUTOMOBILE DEALERSHIPS

Mrs. CAPPS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 713) recognizing the significant contributions of United States automobile dealerships, and expressing the sense of the House of Representatives that in the interest of equity, automobile dealers whose franchises have been terminated through no fault of their own be given an opportunity of first consideration once the auto market rebounds and stabilizes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 713

Whereas auto dealers have deep roots in local communities and have helped manufacturers with long-term customer relationships that create brand loyalty and maintain customer convenience;

Whereas dealerships across the country provide jobs, give direct investments to local economies, and supply tax revenue to State and local governments;

Whereas virtually all new cars and light trucks bought in the United States are sold through franchised dealers;

Whereas dealers are independently owned, and combined, represent the largest retail business in the United States, with approximately $693,000,000,000 in revenues in 2007;

Whereas auto dealers are significant employers in local communities across the country;

Whereas franchised dealers employ over 1,100,000 people, comprise nearly 20 percent of all retail sales in the United States, and, in total, pay billions annually in state and local taxes;

Whereas the Nation's 20,700 independent franchised new car dealerships comprise an industry that is largely privately held, with private ownership accounting for 92 percent of the market;

Whereas the franchised dealership system in the United States is the independent link between the manufacturer's assembly line and the consumer and its functions include, but are not limited, to the following—

(1) selling the product and providing information for consumers;

(2) holding vehicle and parts inventory;

(3) performing service and providing parts to fulfill manufacturer warranty obligations;

(4) handling product safety recalls;

(5) facilitating the exchange of used vehicles; and

(6) arranging financing for consumers;

Whereas some restructuring of dealer networks was in the public interest and necessary to increase the competitiveness of automobile manufacturers;

Whereas the economic downturn put thousands of jobs at risk, including those at automobile dealerships and automobile manufacturers; and

Whereas auto dealers will play a key role in any effort to revive the United States auto industry: Now, therefore, be it

Resolved, That—

(1) the House of Representatives recognizes the significant contributions of United States automobile dealerships; and

(2) it is the sense of the House of Representatives that automobile dealerships which have been successful and are being closed not of their own doing, but instead as a function of the auto market as a whole, should be given consideration to obtain a dealership franchise when the automobile market rebounds and stabilizes.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Pennsylvania (Mr. PITTS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

Mrs. CAPPS. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Madam Speaker, I thank the managing Member for yielding me this time, and I also thank the Member who is managing for the other side for allowing this important piece of legislation to come to the floor. I want to thank Representative HENSARLING who is not here today. He is in Financial Services, and we have a hearing there that is exceedingly important; but for that, I am confident he would be here. He and I serve on the committee together.

Representative HENSARLING and I have been working on this resolution for some time. For us it has become a means by which we not only developed what I believe to be a good piece of legislation for the House, but also we have developed a good relationship as a result of working together. This is truly a bipartisan piece of legislation. We have 107 cosponsors from both sides of the aisle.

I also would like to thank Representative JOHN DINGELL for helping us with this piece of legislation. He, at a crucial time, stepped forward to help us move the legislation such that we are now on the floor with it. I would also mention the staff members from Congressman HENSARLING's office and from my office, my staff, I thank you for what you have done, Representative DINGELL's staff, and all of the persons who have been associated with this piece of legislation, especially Representative CAPPS because I thank you for helping us get it to the floor as well.

This resolution, H. Res. 713, does two things: it recognizes the significant contributions of the auto dealerships; and it expresses the sense of the House of Representatives that dealerships which were successful, and I highlight and underline successful, dealerships that were successful and are being closed, some have been closed because of the economic crisis, that these dealerships be given consideration when the market rebounds and we start to bring on new auto dealerships. It is an opportunity for consideration.

With these two things in mind, I would share these thoughts: one, that the auto dealerships are the face of the auto industry within our various communities. As the face of the industry, they do more than simply sell cars, which is a good thing to do. Selling cars promotes growth and jobs, and helps us have people who are employed, but they do more than this. They also engage in being good corporate citizens, which means that they allow their largess to be shared by various not-for-profit organizations in the community, various community organizations that are involved at the grassroots level in communities. For example, the Little League baseball teams will often be sponsored by auto dealerships. Other small, but significant, organizations in our communities benefit from these auto dealerships.

They are across the length and breadth of the community in large cities and small towns. They make it possible for us to experience the opportunity of having largess that we would not ordinarily have, and I will tell you that that largess is being sorely missed at this time of economic crisis. So we want to get them back. We want to get them back online because they are good corporate citizens.

My next point, 20,000 independently owned dealerships exist across the country—maybe a little more, maybe a little less, depending on who is counting and how you count—employing about 900,000 people, new car dealerships alone. These 900,000 jobs are jobs that our country benefits from greatly, and we have missed many of the jobs because of the dealerships going offline. We want to see these dealerships give the community the job base it has enjoyed by virtue of these many persons who were trained to do various and sundry things, giving these jobs back to the community.

Bringing them back will be an important part of these dealerships coming back online as a result of the rebound in the economy. In 2008, there was about $650 billion that we can call revenue generated from the dealerships. They are truly small businesses at their best, and some of them large businesses because of just the sheer amount of revenue that they generate. But they are small businesses that benefit greatly from what we are trying to do in Financial Services today, but they are also small businesses that cause a community to benefit greatly because of what they do in the various communities wherein they are located.

I would simply remind us that as we vote on this, please, dear friends, give thought to your community; give thought to the fact that this is a small business that brings jobs back to the community; give thought to the fact that these corporations are good corporate citizens, for the most part; that they are part of the fiber and the fabric of the communities; that they help the Little League baseball teams, the Girl Scouts and Boy Scouts, all of these organizations that benefit from their largess; and give some thought to the fact that but for them, many of our communities would not be as vibrant as they are. In fact, many of our communities are not as vibrant as they were because we have lost some of these various small businesses, these auto dealerships.

I beg all of my colleagues, please support this resolution. It encourages us to do the right thing, and that is give these dealerships that were successful that went offline the opportunity, not because of some fault of their own but because of some economic crisis that they had little control over. In fact, no control over for the most part.

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

Madam Speaker, I rise in support of H. Res. 713, expressing the sense of the House of Representatives that the automobile dealers whose franchises were terminated through no fault of their own, be given an opportunity of first consideration once the auto market rebounds and stabilizes.

Dealerships play an important function in the distribution model. It was the economic downturn that exacerbated the already slowing automobile sales. Some dealers assert that they had sufficient sales and should not have been marked for closure. Despite their importance to manufacturers, the fact that they were well-run businesses and the Federal Government's bailout of GM and Chrysler, to the tune of $80 billion, many franchises were taken away from these dealerships. Jobs supported by these dealerships were eliminated, and this lost income continues to plague American families.

In addition, the lost tax revenue and absence of those dealerships that played an important civic role in their communities has further strained local communities. When the auto market recovers, these dealerships should be given an opportunity to reclaim their franchises as manufacturers expand their distribution channels.

I would like to commend Congressman GREEN and Congressman HENSARLING for their leadership on this issue. I support the resolution and urge my colleagues to support it.

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

Mrs. CAPPS. Madam Speaker, I would like to make the point that several minor changes were made in House Resolution 713 in order to clarify that the focus of the resolution is on automobile dealerships and not on automobile manufacturers.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 713, as amended.

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

The title of the resolution was amended so as to read: ''Recognizing the significant contributions of United States automobile dealerships, and expressing the sense of the House of Representatives that in the interest of equity, automobile dealers be given consideration to enter the automobile market once it rebounds and stabilizes.''.

A motion to reconsider was laid on the table.

□ 1400

BLUE STAR/GOLD STAR FLAG ACT OF 2009

Mr. MOORE of Kansas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2546) to ensure that the right of an individual to display the Service flag on residential property not be abridged.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2546

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 ''Blue Star/Gold Star Flag Act of 2009''.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''Service Flag'' has the meaning given such term under section 901 of Public Law 105–225 (36 U.S.C. 901);

(2) the terms ''condominium association'' and ''cooperative association'' have the meanings given such terms under section 604 of Public Law 96–399 (15 U.S.C. 3603);

(3) the term ''residential real estate management association'' has the meaning given such term under section 528 of the Internal Revenue Code of 1986 (26 U.S.C. 528); and

(4) the term ''member''—

(A) as used with respect to a condominium association, means an owner of a condominium unit (as defined under section 604 of Public Law 96–399 (15 U.S.C. 3603)) within such association;

(B) as used with respect to a cooperative association, means a cooperative unit owner (as defined under section 604 of Public Law 96–399 (15 U.S.C. 3603)) within such association; and

(C) as used with respect to a residential real estate management association, means an owner of a residential property within a subdivision, development, or similar area subject to any policy or restriction adopted by such association.

SEC. 3. RIGHT TO DISPLAY THE SERVICE FLAG.

A condominium association, cooperative association, or residential real estate management association may not adopt or enforce any policy, or enter into any agreement, that would restrict or prevent a member of the association from displaying the Service Flag on residential property within the association with respect to which such member has a separate ownership interest or a right to exclusive possession or use.

SEC. 4. LIMITATIONS.

Nothing in this Act shall be considered to permit any display or use that is inconsistent with—

(1) any regulations prescribed by the United States Secretary of Defense regarding rules or customs pertaining to the proper display or use of the Service Flag; or

(2) any reasonable restriction pertaining to the time, place, or manner of displaying the Service Flag necessary to protect a substantial interest of the condominium association, cooperative association, or residential real estate management association.

The SPEAKER pro tempore (Ms. DEGETTE). Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentlewoman from Kansas (Ms. JENKINS) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. MOORE of Kansas. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 2546, the Blue Star/Gold Star Flag Act, drafted by my colleague from Ohio, Representative JOHN BOCCIERI. This bipartisan legislation has 54 Democratic and Republican cosponsors, and I'm proud to be one of them.

The Service flag, which is referred to as either the Blue Star or Gold Star flag, is an official banner authorized by the Defense Department for display by families of members serving in the Armed Forces during a period of war. Each blue star on the flag represents a servicemember in Active Duty, while a gold star signifies a servicemember who was killed in action or who died in service. As authorized by the Defense Department, organizations can fly the Service flag as long as it honors the members of that organization serving during a period of war.

In April of last year, a constituent of Representative BOCCIERI was asked by her condominium association to remove the Service flag she placed in her window in honor of her son who served in Operation Desert Storm in 1991, and again in 2003, for his service defending our country in Iraq. Her son suffered injuries not once but twice from roadside bombs. Thankfully, the condominium association later reversed its decision and allowed the woman to display a Blue Star flag.

This thoughtful legislation drafted in response to this incident will make sure no condominium association, cooperative association, or residential real estate management association is able to prevent residents from displaying the Service flag in honor of their loved ones on or around their homes.

I strongly urge my colleagues to support this legislation.

I reserve the balance of my time.

Ms. JENKINS. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, today I rise in support of H.R. 2546, the Blue Star/Gold Star Flag Act. This bill ensures the rights of an individual to display the Service flag on a residential property without limitation.

The Service flag, also referred to as either the Blue Star or Gold Star flag, is an official banner authorized by the Defense Department for display by families of members serving in the Armed Forces during a period of war. Since World War II, the Blue Star and Gold Star Service flag has been a way for families and the communities they live in to show their pride and concern for our troops in the field.

Each blue star on the flag represents a servicemember on Active Duty, while a gold star signifies a servicemember who was killed in action or who died in service. The Service flag may also be displayed by an organization to honor the members of that organization serving during a period of war or hostilities.

We must do everything we can to show our support for our troops. For the men and women serving in our military and their families, the Service flag has significant meaning. This flag is a symbol of the sacrifices that our military men and women make as they put their lives on the line to protect our country. Their family members should be allowed to fly the flag in honor of those sacrifices, no matter where they live, and H.R. 2546 ensures the rights of an individual to display the Service flag on residential property without limitation.

The bill we are considering today is similar to the Freedom to Display the American Flag Act of 2005, which passed the House by a voice vote and was later signed into law.

Madam Speaker, I too want to thank my colleague from Ohio (Mr. BOCCIERI) for championing this important legislation. H.R. 2546 ensures that our America's military families are able to honor their loved ones' service to our country by displaying the Service flag no matter where they live.

This bill deserves our support, and I urge the adoption of H.R. 2546, the Blue Star/Gold Star Flag Act.

Madam Speaker, I reserve the balance of my time.

Mr. MOORE of Kansas. Madam Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BOCCIERI), the chief sponsor of this important legislation.

Mr. BOCCIERI. Madam Speaker, I thank the gentleman from Kansas (Mr. MOORE) and the committee for their work on this important bill that recognizes the service of our strong military members who find themselves on multiple rotations, and some of those who find themselves injured. Today the Blue Star/Gold Star Flag Act of 2009 is a tribute to those military families.

In 2009, one of my constituents was required by her condominium association to remove the Service flag. It was placed in her window in honor of her son, an Iraq war soldier who had served multiple tours and was twice injured in the line of duty while serving over in Iraq. They were both roadside bombs.

The Service flag, or the Blue Star flag or Gold Star flag, is an official banner, as has been said, by the Department of Defense, and it's been on display by families of members serving in the Armed Forces during a period of war.

The Service flag has significant meaning to our Nation and the families of the men and women who are serving. It's a symbol of the sacrifices and service of our members of the military who put their lives on the line every day to protect all of us, and that's why family members should be allowed to fly the flag in honor of those sacrifices, no matter where they live.

This bipartisan, commonsense measure is based on the Freedom to Display the American Flag Act of 2005 that passed both Chambers overwhelmingly during the 109th Congress. The legislation prohibits residential real estate management associations from preventing residents from displaying the

Service flag on or around their homes or places of dwelling. I introduced this measure to ensure that people have the right to display the Service flag without limitation.

As a major in the Air Force Reserve and flying multiple missions in Iraq and Afghanistan, flying those wounded and fallen soldiers out of the country, it is significant that we allow the families to be represented and to be represented of the service of their loved one. I was honored when I learned that the Ohio State Legislature had displayed a Service flag for me while I was serving in Iraq and Afghanistan from 2004 through 2005. It was at the State capitol and on display.

I would like to thank all the supporters of this legislation, as my office has received thousands of signatures from Ohioans and members of the military, as well as those families around the country who support this measure, as well as endorsements from the Air Force Sergeants Association, VoteVets.org, and over 50 of my colleagues have supported this legislation, which will aid in its passage.

I would like to thank Chairman FRANK, Ranking Member SPENCER BACHUS for their help on this important bill that honors the service of our military members and gives all people, no matter where they live, the right to honor them, too.

As I've said before, as a military member myself, I'm proud to stand before you today having worked on those critical measures which can become law for our veterans, including improving access to health care in rural areas for veterans, ensuring the VA can adequately handle mental health issues for those returning vets from the front lines.

You know, today we stand together in a bipartisan way. We intend to make the Blue Star/Gold Star Flag Act of 2009 a law for military families. While they stood up and fought for us, it's now time that we stand up and fight for their families to recognize their service.

Ms. JENKINS. Madam Speaker, I yield as much time as he may consume to the gentleman from Minnesota (Mr. PAULSEN), my friend and colleague.

Mr. PAULSEN. Madam Speaker, I also rise today as a strong supporter of H.R. 2546, the Blue Star/Gold Star Flag Act. This is a straightforward bill that will ensure that those who want to honor the men and women of our Armed Forces can absolutely do so. Specifically, this bill protects the rights of an individual to display the Service flag on residential property without limitation.

Service flags are official banners authorized by the United States Department of Defense for display by families of military members serving our country during periods of war. The blue star, as was mentioned earlier, represents that a family member is currently serving, and the gold star signifies that a family member has given their life in service to our Nation. Both of these flags are a constant reminder of the honor, of the duty, of the service and the sacrifice our members embody that provide that service each and every day.

There should be no question, no question at all that America's military families can display a Service flag in front of their place of residence if they choose to do so. Unfortunately, current law does not allow that to take place. It doesn't guarantee that right to display that Service flag in certain housing condominium associations or in real estate management associations. So this bill merely addresses a commonsense problem in allowing the military families to proudly honor their loved ones.

I just want to thank the gentleman from Ohio (Mr. BOCCIERI) for his leadership on this issue, his service himself. This is important legislation. It goes right to the heart of the servicemember families and what they believe in, and I urge support.

Mr. MOORE of Kansas. Madam Speaker, we have no further speakers and we are prepared to close, so I will reserve the balance of my time.

Ms. JENKINS. Madam Speaker, I yield as much time as he may consume to the gentleman from New York (Mr. LEE), my friend and colleague.

Mr. LEE of New York. Madam Speaker, to follow on to what my colleagues' points have been, first and foremost, I do want to thank my good friend from Ohio (Mr. BOCCIERI) for his hard work with this important bill that ensures the Service flag can be displayed on residential properties, which is key, without limitation.

Each day, millions of Americans proudly display the Service flag in recognition of conflicts overseas. However, due to some unreasonable and misguided policies instituted by some housing associations, the Service flag has been unable to fly free. The bill before us today will ensure that those who wish to proudly honor those serving in conflicts around the world will be able to do so.

The Service flag is a meaningful symbol used by many to honor brave men and women currently serving in war zones, as well as those killed in action or who have died in service. There should be no restrictions on honoring these courageous souls, and the passage of this bill brings us one step closer to ensuring that this is the case.

Ms. JENKINS. Madam Speaker, I have no further requests for time and yield back the balance of my time.

Mr. MOORE of Kansas. Madam Speaker, H.R. 2546 is a commonsense, bipartisan bill that rightfully honors all of our servicemen and women fighting to protect us and the families that support them. I urge my colleagues to vote in favor of this bill.

Mr. BACHUS. Madam Speaker, when it comes to supporting our troops, it is essential that we as Americans unite as one community.

Our brave men and women in uniform need our support. And so do their families, who live daily with the knowledge that a loved one may be put in harm's way in the defense of freedom.

Since World War I, the Blue Star and Gold Star banners have been a way for families—and the communities they live in—to show their consideration and respect for our troops in the field.

My home State of Alabama has very active Blue Star and Gold Star programs. Glenn Nivens of Blue Star Salute in Alabama, Rachel Clinkscale of Gold Star Wives of America, and Marynell Winslow of Alabama Gold Star families represent, as leaders of their respective organizations, the many citizens of Alabama who are tireless in their support of our troops and their families.

Whenever I see those powerful banners—and in fact, I've had the honor of being presented with a Blue Star banner which I proudly display in my office—I always reflect on what it takes to keep America free. This has been the case for generations of Americans.

There should never be an impediment to displaying the Blue Star and Gold Star banners, whether it is in the window of a house, a business, or in the case of this legislation, a condominium unit. Some of my colleagues may remember that in 2005, we passed similar legislation also referred to the Financial Services Committee that protected the display of the U.S. flag.

If anything, we should be promoting greater participation in the Blue Star and Gold Star programs as a way to show appreciation for our troops and our solidarity with their families.

The Sixth Annual Blue Star Salute will be held at the American Village in Montevallo in my district on Memorial Day. It would be a great pleasure to report to them that the House of Representatives has voted strongly to support the freedom of our families to proudly display the Blue Star and Gold Star banners.

Mr. MOORE of Kansas. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 2546.

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.

5-STAR GENERALS COMMEMORATIVE COIN ACT

Mr. MOORE of Kansas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1177) to require the Secretary of the Treasury to mint coins in recognition of five United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1177

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 ''5-Star Generals Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The United States Army Command and General Staff College, founded in 1881, has in its many evolutionary forms, served this country consistently and well for 127 years.

(2) The Command and General Staff College has played a decisive role in the education and training of officers, particularly in their field grade years of service, in times of war and peace, since its establishment.

(3) The Command and General Staff College has had a salutatory effect on many fields of battle by providing its officer student bodies the necessary skills of battle management, leadership development, and the most modern and effective command and staff action procedures, all of which have been key to this Nations' success in its many conflicts which, thereby, have preserved its freedoms and way of life.

(4) The Command and General Staff College, the Nations' oldest military staff college, does not have a commemorative coin cast in celebrating its long and honorable history, displaying its heritage, and serving as a reminder to the holder of such coins the service to the Nation its graduates have provided in war and peace.

(5) The United States Army Command and General Staff College is the Nation's largest and oldest military staff college, continuing to educate officers from all United States branches of military services, select members of our civil government, and officers from many friendly and allied nations from around the globe. Located in the middle of the American heartland, will continue to serve as a beacon of light to the proposition of intellectual curiosity and professional military excellence in the development of its students, and serve as a link to American citizenry grateful for the sacrifices, some in the fullest measure of duty and devotion to the Nation, made by the graduates of its Command and Staff College.

(6) The Command and General Staff College Foundation, Inc. (in this Act referred to as the ''Foundation'') is dedicated to promoting excellence in the faculty and students of the United States Army Command and General Staff College. Seeking new ways to educate and remind our citizens regarding the capable and selfless service of our military officers, and to imbue in them a sense of pride in those who bear the burden of military leadership in our Nation's wars and in times of peace.

(7) The Foundation is a nongovernmental, member-based, and publicly supported nonprofit organization that is entirely dependent on funds from members, donations, and grants for its functions and supports exclusively the United States Army Command and General Staff College.

(8) The Foundation uses funding to provide the Margin of Excellence to the programs and activities of the College in support of the educational needs of the Nation's field grade officer corps, and the faculty and staff attendant thereto.

(9) In 2006, the Secretary of the Army accepted the first Foundation gift to the College in support of the Command and General Staff College.

(10) The Foundation is actively engaged in the initial stages of its first capital campaign to support the Command and General Staff College.

(11) The five 5-Star Generals who attended or taught at the Command and General Staff College; include Douglas MacArthur, George C. Marshall, Henry ''Hap'' Arnold, Dwight D. Eisenhower, and Omar N. Bradley.

(12) DOUGLAS MACARTHUR, GENERAL OF THE ARMY.—

(A) General MacArthur was a distinguished soldier, scholar, and strategist who gave sixty-one years of service to his country.

(B) He commanded the 42d Division in World War I, and later served as the Chief of the Army General Staff. Prior to retirement, he was the Military Advisor to the Commonwealth of the Philippines.

(C) In 1941, he was recalled to active duty as Commanding General, United States Army Far East.

(D) He was awarded the Medal of Honor for his heroic defense of the Philippines.

(E) After being ordered to depart the Philippines by the President, he inspired the world with his statement, ''I shall return.''.

(F) Forces under his command defeated those of the Empire of Japan.

(G) After accepting the Japanese surrender, he directed the highly successful reconstruction of the Japanese nation, and served as the first commander of United Nations Forces during the Korean War.

(H) General MacArthur, son of General Arthur MacArthur, spent time as a child at Ft. Leavenworth and later in his career, he taught as a Captain in the Field Engineering School, and served as the adjutant, quartermaster, and commanding officer of the 3d Engineer Battalion (later reflagged as the 2d Engineer Battalion).

(13) GEORGE C. MARSHALL, GENERAL OF THE ARMY.—

(A) General George C. Marshall entered the Army from the Virginia Military Institute in 1902.

(B) During a long career of public service, he distinguished himself as a leader, tactician, strategist, statesman, and, truly, as the ''Organizer of Victory.''

(C) In World War I, he was regarded as one of the most talented staff officers in the United States Army.

(D) After that war, and throughout the many long and challenging duties of the interwar years, he was appointed United States Army Chief of the General Staff in 1939.

(E) During World War II, he achieved recognition as one of America's greatest military leaders.

(F) As chief strategist of that global war, he materially assisted in directing the Allied Powers to victory.

(G) In 1947 he was appointed Secretary of State for the United States and his outstanding career as a statesman proved equal to his brilliant military career.

(H) He was awarded the Nobel Peace Prize for his conception and implementation of the European Recovery Program, and, subsequently, he served as the Secretary of Defense for 1 year.

(I) General Marshall's service at Ft. Leavenworth included graduation from the United States Army School of the Line in 1907, the United States Army Staff College in 1908, followed by instructor duty at Ft. Leavenworth from in 1909 and 1910.

(14) HENRY H. ARNOLD, GENERAL OF THE ARMY.—

(A) General ''Hap'' Arnold is the only officer in the history of our country to earn the ranks of General of the Army and General of the Air Force.

(B) General Arnold, a graduate of West Point in 1907, received his pilot training in 1911 from the Wright brothers in Dayton, Ohio.

(C) He became one of our Nation's strongest advocates for air power, and personally held numerous records and trophies for flying achievements, to include the first delivery of United States mail by air.

(D) Accomplishments in and from the air in the World Wars, particularly in World War II, were heavily influenced by his genius.

(E) As a result of General Arnold's contributions, massed air power gave a third dimension to battles of World War II, swept the skies of the enemy, and denied him mobility on the ground.

(F) One of General Arnold's citations reads in part: ''From conception to execution, General Arnold's leadership guided the mightiest air force in history.''

(G) General Arnold's service at Ft. Leavenworth was as a student at the Command and General Staff College, 1928–1929.

(15) DWIGHT D. EISENHOWER, GENERAL OF THE ARMY.—

(A) General Dwight D. Eisenhower, in 1915, began a career of distinguished public service reaching the highest positions of military and civil leadership in the United States.

(B) During World War II, as Commander in Chief, Allied Expeditionary Force, he led the invasion of North Africa and defeated the German force on that continent.

(C) In 1944, as Supreme Allied Commander, Allied Expeditionary Force, he was instructed: ''You will enter the continent of Europe, and, in conjunction with other United Nations, undertake operations aimed at the heart of Germany and the destruction of her armed forces.''

(D) In accomplishing this mission, he commanded the largest combination of land, sea and air forces in history.

(E) Following World War II, he was instrumental in the development of the North Atlantic Treaty Organization.

(F) After his brilliant military career he was elected 34th President of the United States.

(G) His service at Ft. Leavenworth was 1917–1918 as a tactical instructor officer for a course for lieutenants and in 1925–1926 as a student at the Command and General Staff College from which he was the honor graduate of his class.

(16) OMAR N. BRADLEY, GENERAL OF THE ARMY.—

(A) Throughout his distinguished military career, General Omar N. Bradley was recognized as an exceptional leader, tactician, and educator.

(B) As Commandant of the Infantry School, he developed the officer candidate program through which more than 45,000 combat leaders of World War II were commissioned.

(C) During the war, he successfully commanded a division, corps, army, and army group. While commanding II Corps, he was instrumental in defeating German forces in North Africa and Sicily.

(D) His successful career as a field commander reached a peak when, as commander of the 12th Army Group, he greatly assisted in the liberation of Europe.

(E) This group contained the largest number of American to ever serve under one commander. He became the Army Chief of Staff in 1948 and the first Chairman of the Joint Chiefs of Staff in 1949.

(F) General Bradley's service at Ft. Leavenworth was as a student at the Command and General Staff College, 1928–1929.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the 5-Star Generals attendance and graduation from the Command and General Staff College, and notwithstanding any other provision of law, the Secretary of

the Treasury (hereafter in this act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF DOLLAR CLAD COINS.—Not more than 750,000 half dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall include the portraits of Generals George C. Marshall, Douglas MacArthur, Dwight D. Eisenhower, Henry ''Hap'' Arnold and Omar N. Bradley.

(2) DESIGNATIONS AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the face value of the coin;

(B) an inscription of the year ''2013''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall—

(1) be selected by the Secretary after consultation with the Command and General Staff College Foundation, and the Commission of Fine Arts; and

(2) be reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITIES.—For each of the three coins minted under this Act, at least one facility will be used to strike proof quality coins, while at least one other facility will be used to strike the uncirculated quality coins.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2013.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(3) A surcharge of $5 per coin for the half dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Command and General Staff College Foundation to help finance its support of the Command and General Staff College.

(c) AUDITS.—The Command and General Staff College Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Foundation under subsection (b).

(d) LIMITATION.—Notwithstanding subsection(a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. BUDGET COMPLIANCE.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentlewoman from Kansas (Ms. JENKINS) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert any extraneous material thereon.

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

There was no objection.

Mr. MOORE of Kansas. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 1177, the 5–Star Generals Commemorative Coin Act. I was pleased to introduce this bipartisan legislation last year with my colleagues from Kansas, Representatives LYNN JENKINS, TODD TIAHRT, and JERRY MORAN. I appreciate their work in helping to find cosponsors. The legislation now has 300 Republican and Democratic cosponsors, including a very special one of our colleagues that we learned had a very strong connection to this bill after we filed it. I'll discuss his connection in a moment.

H.R. 1177 will authorize the U.S. Treasury to mint a series of commemorative $5 and $1 and half-dollar coins bearing the likeness of five U.S. generals who served during World War II. The coins would honor these 5-star generals:

General Dwight D. Eisenhower, who was the Supreme Allied Commander in Europe during World War II, and later President of the United States;

General George Marshall, who was the Army Chief of Staff during World War II, and later Secretary of State and Defense Secretary;

General Douglas MacArthur, who led Allied forces to victory in the Pacific theater during World War II, and later led Allied forces in the Korean War;

General Henry Arnold, who commanded the Army Air Corps in Europe and remains the only person ever to hold the title of General of the Air Force; and

General Omar Bradley, who commanded Allied forces on their march to victory in North Africa and became the first person to hold the position of Chairman of the Joint Chiefs.

□ 1415

All five of these 5-star generals either attended or taught at the U.S. Army Command and General Staff College located in Leavenworth, Kansas. The commemorative coins would be issued in 2013, and the proceeds would be paid to the Command and General Staff College Foundation to help finance their outstanding work in supporting the college.

Finally, the colleague of ours who I mentioned earlier and who has a very special connection to this bill is my good friend from Iowa, Congressman LEONARD BOSWELL. Like the 5-star generals we honor with this bill, Congressman BOSWELL attended the Command and General Staff College as a student after his first Vietnam tour in 1968, and later served as an instructor at the end of his service career in 1974. He was recently inducted into the Fort Leavenworth Hall of Fame, and after learning about our bill, worked harder than all of us in rounding up the necessary cosponsors to move this bill forward.

I want to dedicate this bill to Congressman LEONARD BOSWELL's long and distinguished service to our country. To honor Congressman BOSWELL, our Nation's 5-star generals, the U.S. Army Command and General Staff College, and all of our servicemen and -women who sacrifice so much to defend our country, I strongly urge my colleagues to support this legislation.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 17, 2010.

Hon. BARNEY FRANK,
Chairman, Financial Services Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN FRANK, I am writing regarding H.R. 1177, the 5-Star Generals Commemorative Coin Act.

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 1177 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1177, and would ask that a copy of our exchange of letters on this matter be included in the RECORD.

Sincerely,

SANDER M. LEVIN,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 17, 2010.

Hon. SANDER M. LEVIN,
Chairman, Committee on Ways and Means, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter regarding H.R. 1177, the ''5-Star Generals Commemorative Coin Act,'' which was introduced in the House and referred to the Committee on Financial Services on February 25, 2009. It is my understanding that this bill will be scheduled for floor consideration shortly.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego committee action on H.R. 1177 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the CONGRESSIONAL RECORD when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

I reserve the balance of my time.

Ms. JENKINS. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H.R. 1177, the 5-Star Generals Commemorative Coin Act, and I commend the gentleman from Kansas, Representative MOORE, for introducing this legislation. The Command and General Staff College was founded at Fort Leavenworth, Kansas, in 1881. It is an educational center for excellence, and one of the most prominent leaders in military education and training. The school is the intellectual center of the Army. And in addition to training U.S. military officers, allied nations from around the world send their military officers to train at the staff college.

In fact, over the past 129 years, more than 90,000 U.S. military officers and 7,000 foreign military officers from 153 countries have graduated from the staff college, including Generals Colin Powell and David Petraeus. And upon graduation from the staff college, the majority of the international students attain the rank of general within their respective countries.

This legislation will direct the Secretary of the Treasury to mint coins in recognition of the five men who have achieved the rank of General of the Army, including Generals George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley. These five generals led our forces to victory in World War II, but they also taught or studied at the staff college.

The proceeds from the 5-star generals commemorative coin will help fund the Command and General Staff College Foundation to ensure military officers will be able to train there for years to come. The staff college is critical in the education and training of our military officers during times of war and peace. At a time when our Nation is working to extend the hand of friendship to nations abroad, there is no better place to fulfill that mission than at the staff college because of the first rate intercultural exchange that the students experience.

Fort Leavenworth is in my congressional district, and I have spent a great deal of time learning about the successes of the staff college over the past 16 months. So today I would like to thank the chief executive officer of the Command and General Staff College Foundation, Col. Bob Ulin, who has championed this legislation from day one, and who hopefully is watching this debate and hopeful passage of the 5-Star Generals Commemorative Coin Act.

I would also like to thank chairman of the Command and General Staff College Foundation, Lt. Gen. Bob Arter. The commitment of Col. Ulin and Gen. Arter to educating and training the best and the brightest military officers who attend the staff college, and their support and tireless efforts to move this legislation forward, is deeply appreciated.

It is for these reasons that I urge all of my colleagues in the House to support this legislation to honor our Nation's military officers.

Madam Speaker, I reserve the balance of my time.

Mr. MOORE of Kansas. Madam Speaker, I yield 5 minutes to the gentleman from Iowa, Representative LEONARD BOSWELL.

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

Mr. BOSWELL. Madam Speaker, I rise today in strong support of H.R. 1177, the 5-Star Generals Commemorative Coin Act. I believe this legislation is very important to not only recognize the contributions of the Command and General Staff College to our U.S. military, but also to ensure that the program at the college remains strong for our future military leaders.

For over 129 years, the Command and General Staff College has produced some of the best military leaders in the world, including the five 5-star generals who taught or studied at the college, as mentioned, Generals George Marshall, Douglas MacArthur, Dwight Eisenhower, Hap Arnold, Omar Bradley. I might add that Colin Powell and David Petraeus also graduated from the school.

As Mr. MOORE mentioned, I had the honor to both attend the college as a student and then become an instructor during my military career, and I can attest to the fact that those I served with were truly the best in the world. Last fall I had the privilege to be the keynote speaker at the flag ceremony for the international military students at the school. A lot has changed from my time there, and I had the opportunity to see the state-of-the-art training that our military personnel are receiving.

This legislation will require the Treasury to mint and issue $5 gold coins, $1 silver coins, and half-dollar coins in recognition of the five U.S. Army 5-star generals. The surcharges in the sale of such coins will be paid to the Command and General Staff College Foundation to help finance support for the college.

The foundation, I can report, is capably led, and I appreciate the dynamic leadership of Ret. Col. Ulin. Some of the activities that the foundation performs include research grants for the faculty, support for the International Military Officer program, and support for guest speakers, professional development and other activities.

During my career in the Army, I had the privilege to serve alongside many great men and women. The passage of H.R. 1177 will ensure that the Command and General Staff College remains the world-respected military institute of higher education that it is today.

I would like to thank Mr. MOORE for introducing such an important bill, and urge my colleagues to support H.R. 1177.

Ms. JENKINS. I yield as much time as he may consume to the gentleman from Kansas, Representative TIAHRT.

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

Mr. TIAHRT. First of all, Madam Speaker, I would like to thank DENNIS MOORE for his leadership in this legislation. He has always sought during his

career in Congress to find bipartisan legislation that we could work together on. I appreciate and also want to thank Congresswoman JENKINS for her participation and leadership in this issue as well as her time here on the floor and in Kansas.

This is a unique bill. It's unique legislation that not only recognizes the service and sacrifice of five United States 5-star generals but also supports important work at the Command and General Staff College Foundation at Fort Leavenworth, Kansas.

During this brief history of World War II, we had great leadership in America. Following that time, from 1944 to 1950, we had five heroic men who were promoted to 5-star status as generals, 5-star generals. These men all exemplified leadership. And when faced with difficult times, they chose to do the right thing and pursued strong goals to keep this world safe. And leadership matters. I think that's why this bill is important and why it matters.

In times that are challenging, whether it's a time of war or a time of peace, we still are confronted with difficult situations, whether it's the economy or the safety of this country, and leadership is an important facet of finding our way through these difficult times. These five men exemplified that kind of leadership.

I am also very pleased with how this bill was designed by Congressman MOORE to allow the revenues to go to the United States Army Command and General Staff College Foundation. The Command and General Staff Foundation is dedicated to supporting the mission and the people of the U.S. Army Command and General Staff College.

At the Command and General Staff College we not only educate men and women in the United States armed services, but we also have fellows who come from other countries and learn about this country and learn about how we protect freedom. I think it's valuable information.

But one of the side benefits from the school I experienced personally is something I think goes on around the world. In 2001, we had two Kansas missionaries that were taken hostage by Philippine Muslim terrorists. At that time I went to our National Security Adviser and requested that we have our troops rescue these missionaries, our military go out and rescued Martin and Gracia Burnham. At that time we had no plans to do that in this government, so I bought a commercial airline ticket and flew to the Philippines.

The liaison office was kind enough to send with me then a Marine colonel, Col. Regner, who is now Maj. Gen. Regner, and together we went to the Philippines. On the day before New Year's, in 2001, we flew over Basilan Island in the Philippines, where Martin and Gracia Burnham, the two Kansas missionaries, were held hostage.

The next day, on New Year's Day 2002, Col. Regner and I met with President Arroyo at the Presidential Palace. I was greeted by a cold shoulder, if I can use that term, and it was because they really didn't have much, I think, to expect from what they could do on behalf of these missionaries.

But when I walked in the room, Col. Regner recognized a colonel in the Philippine Army that he had attended school with at Fort Leavenworth at the Command and General Staff College. They greeted each other warmly, and the ice in the room melted. We were able to then negotiate several things for our military to help assist the rescue attempts for the Burnhams. And we were able to get, for example, training for the Philippine Army, and we were able to get advisers to travel along with the platoons that had completed their training, and also some assets overhead to find out where they were being held hostage.

Long story short is that Gracia Burnham is home in Rose Hill, Kansas, safely today. Her husband Martin was killed in the rescue attempt. And it was because our advisers were not able to be with that platoon at the time they ran into the Philippine terrorists.

But the good news about the Command and General Staff College is that they open doors all around the globe. This foundation is going to support that organization. So I also want to thank Bob Ulin, the CEO of the CGSC Foundation, for his dedication to the men and women of the United States Army.

And again, thank you, Congressman MOORE, for your leadership here. And I want to thank the gentlewoman, Congressman LYNN JENKINS, from Kansas for the time.

Ms. JENKINS. I yield as much time as he may consume to the gentleman from Kansas, Representative MORAN.

Mr. MORAN of Kansas. I thank the gentlewoman from Kansas for yielding to me. It's one of the rare occasions in which all four Members of the House delegation from our State are together on the floor. And I am honored to be here with my colleagues.

For nearly 130 years, the U.S. Army Command and General Staff College at Fort Leavenworth, Kansas, has played a central role in educating military commanders and producing world leaders. Many of this college's alumni are the legendary names that my generation grew up reading about and who continue to inspire us and our country today: Marshall, MacArthur, Eisenhower, Arnold, Bradley.

The legislation we consider today, introduced by my colleague, the gentleman from Kansas (Mr. MOORE) directs the Mint to create a coin in recognition of these 5-star generals. The proceeds will benefit the nonprofit foundation formed in 2005 to enhance the education programs offered at the Command and General Staff College.

Ret. Gen. Gordon Sullivan described the Command and General Staff College as the intellectual heart of the Army. Part of what makes the heart beat so strong in recent years is the Command and General Staff College Foundation. Under the leadership of Ret. Col. Bob Ulin, the foundation has successfully supported our country's oldest and largest military staff college by offering many programs and activities to promote excellence. This success was recently acknowledged with a tremendous pledge by Ross Perot for two new education initiatives.

With no shortage of threats today from around our world, our country is demanding much from those who serve us in uniform. Our servicemembers deserve the best education and training to accomplish these missions.

□ 1430

The proceeds of these coins will help ensure that we meet this commitment to America's military men and women.

I want to especially acknowledge my fellow Member from Kansas, the Honorable LYNN JENKINS, for her work in moving this legislation forward. I also want to thank my friend and colleague, Iowa Congressman LEONARD BOSWELL, who personally secured many of the bill's 300 cosponsors. Mr. BOSWELL is a highly decorated Vietnam veteran and a former instructor at the college. Last week I had the pleasure of watching him be inducted into Fort Leavenworth's Hall of Fame. Congratulations and best regards to my colleague from Iowa (Mr. BOSWELL) on this great honor.

This legislation both honors these great soldiers and alumni of the Command and General Staff College, but also helps the college continue its vital mission of professional military education. I urge my colleagues' support.

Ms. JENKINS. Madam Speaker, I have no further requests for time and yield back the balance of my time.

Mr. MOORE of Kansas. Madam Speaker, H.R. 1177 is a bipartisan measure that honors our 5-star generals, our colleague, Representative BOSWELL, and all of our servicemen and -women fighting to protect us. I urge my colleagues to vote in favor of this bill, and I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 1177, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MOORE of Kansas. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

STEWART LEE UDALL DEPARTMENT OF THE INTERIOR BUILDING

Mr. TEAGUE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5128) to designate the Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building,'' as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5128

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

SECTION 1. DESIGNATION.

The United States Department of the Interior Building located at 1849 C Street, Northwest, in Washington, District of Columbia, shall be known and designated as the ''Stewart Lee Udall Department of the Interior Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, record, or other paper of the United States to the building referred to in section 1 shall be considered to be a reference to the ''Stewart Lee Udall Department of the Interior Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. TEAGUE) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

GENERAL LEAVE

Mr. TEAGUE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5128.

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

There was no objection.

Mr. TEAGUE. Madam Speaker, I yield myself as much time as I may consume.

H.R. 5128, as amended, is a bill introduced by Congressman HEINRICH, Congressman LUJÁN, and myself to designate the Department of the Interior building in Washington, District of Columbia, as the Stewart Lee Udall Department of the Interior Building.

Stewart Lee Udall was the consummate public servant, serving four terms in the United States Congress and 9 years as the Secretary of the Interior. Secretary Udall also enlisted in the Armed Forces during World War II, serving as a gunner in Europe with the 15th Air Force until 1944.

After his service in World War II, Secretary Udall later returned to the University of Arizona and earned a law degree in 1948. He opened a law practice with his brother, former U.S. Congressman Morris Udall, and then ran for and won election as a Member of the House of Representatives from Arizona. During his time in the House of Representatives, Secretary Udall served on the Committee on the Interior and Insular Affairs and the Committee on Education and Labor.

Secretary Udall's service in the House ended when he was appointed by John F. Kennedy as Secretary of the Interior in 1961. From this perch, Secretary Udall earned his reputation as a giant amongst men in the environmental community, authoring several major legislative acts that have served as the framework for modern environmental conservation.

Secretary Udall served for 9 years as head of the Interior Department acting as the administration's primary advocate for preservation and responsible environmental stewardship. Among his other accomplishments, Secretary Udall presided over the expansion of several national parks and preserves, including the Redwood National Park, the Appalachian Scenic Trail, and the North Cascades National Park.

After the Secretary's service in the Cabinets of President Kennedy and President Lyndon B. Johnson, he rejoined the private sector as a member of a law firm and focused on environmental advocacy by filing lawsuits on behalf of Native Americans impacted by nuclear pollution.

Secretary Udall also went on to serve as adjunct professor at Yale University and authored several books on conservation and highlighting the national treasures of the United States of America.

Former Interior Secretary Stewart Udall died on March 20, 2010, surrounded by his family and friends. He is survived by six children and eight grandchildren, including his son and his nephew, MARK and TOM UDALL, who were both Members of the House of Representatives before being elected to the other body.

Given his service to his country, it is fitting that we honor the memory of former Interior Secretary Stewart Lee Udall and designate the United States Department of the Interior building located at 1849 C Street, NW, in Washington, DC, as the Stewart Lee Udall Department of the Interior Building. I urge my colleagues to join me in supporting this bill.

Madam Speaker, I reserve the balance of my time.

Mr. CAO. Madam Speaker, I yield myself as much time as I may consume.

H.R. 5128 would designate the Department of the Interior Building in Washington, DC, as the Stewart Lee Udall Department of the Interior Building. Stewart Udall had a long history of service to our country. He served as a gunner in the Army Air Corps during World War II and later was elected to Congress as a Representative from Arizona.

In 1961, he was appointed as Secretary of the Interior, serving during both the Kennedy and Johnson administrations. While Secretary of the Interior, he was a tireless advocate for the environment and the protection of National Park lands.

Secretary Udall was the driving force behind the passage of the Wilderness Act, the Wild and Scenic Rivers Act, the Land and Water Conservation Fund Act, and the expansion and protection of our National Park system. Stewart Udall demonstrated a strong commitment to public service. It is only fitting that the Interior building be named after someone who demonstrated such a commitment to our Nation's natural resources.

As we honor Secretary Udall's service, we must be mindful of the threats that continue to menace our Nation's natural resources. Even as we speak, a rapidly spreading oil slick threatens hundreds of miles of coastline and thousands upon thousands of acres of wetlands in my home State, Louisiana, and throughout the gulf coast. The slick has already dealt a devastating blow to thousands of those whose livelihoods depend upon the protection of our natural resources.

Throughout the gulf coast, fishermen and avid environmentalists are suffering and will continue to suffer for years to come. They have lost more than a few days of fishing. This affects their livelihoods and their way of life. Fishing fleets are idle. Fishermen are without work. Some, in their despair, have told me they've contemplated suicide.

The extent of the damage will not be known for some time, but already I have seen the ravages of this economic and environmental disaster, the effects of which will linger for years.

Secretary Udall understood, indeed, he foresaw, that we would need to manage our natural resources carefully to avert just this type of disaster. Here today in 2010 we are facing one of the worst environmental disasters in history, and we have to ensure that ongoing stewardship of all of our natural resources remains a priority.

While the Coast Guard and countless volunteers burn, skim, and lay miles of boom to mitigate this disaster, we have a unique opportunity to revisit Mr. Udall's legacy of stewardship.

I urge this Congress to go beyond honoring his memory today by paying tribute to what he stood for by taking a proactive approach to ensuring all our natural resources be safeguarded appropriately.

Secretary Udall understood that our happiness and prosperity as a Nation depend upon our wise stewardship of our natural resources. His vision should serve as an example not only to his successors at the Department of the Interior but to all Americans. I support passage of this legislation and urge my colleagues to do the same.

I reserve the balance of my time.

Mr. TEAGUE. Madam Speaker, I yield as much time as he may consume to the gentleman from New Mexico, Mr. MARTIN HEINRICH.

Mr. HEINRICH. Madam Speaker, earlier this year we lost a national treasure and a personal hero of mine, former Interior Secretary Stewart Udall. Though quiet and humble, his impact was that of a giant and his defense of

our Nation's wildlands will remain immeasurable.

Secretary Udall's lifetime of achievement will continue to be felt by every American. Thanks to his work, our national parks and public lands belong to every American and will remain a treasured part of our Nation's spirit for generations to come.

Throughout my life, I have drawn personal and professional inspiration from Mr. Udall's remarkable leadership. So I was proud to sponsor H.R. 5128, a bill that will designate the Department of the Interior building in Washington, DC, as the Stewart Lee Udall Department of the Interior Building. It is only fitting that we honor his legacy by naming the Interior building after Secretary Udall. I would urge all of my colleagues to support this legislation.

Mr. CAO. I continue to reserve the balance of my time.

Mr. TEAGUE. Madam Speaker, I yield as much time as he may consume to the gentleman from New Mexico, Mr. BEN RAY LUJÁN.

Mr. LUJÁN. Thank you very much to my colleague from New Mexico (Mr. TEAGUE).

Secretary Udall, a great American, a great New Mexican, and it's an honor to sponsor this legislation to name the United States Department of the Interior in his name.

Secretary Udall spent his later life in my district in Santa Fe, New Mexico, but his work is seen across the country from our pristine wilderness to our clean rivers. We lost a friend, a hero, a true champion this year, a gentleman who fought to protect resources that will serve us for years to come. He worked to protect our land, our water, and the air we breathe. And we are all better for Secretary Udall's service.

But Secretary Udall's legacy goes beyond our beloved and critical resources. His legacy is about the people he impacted throughout his life—from those in Indian Country who suffered the effects of uranium mining, to inspiring young conservationists and acting as an example to all of us.

In naming the Department of the Interior building after Secretary Udall, we honor not only his incredible professional contributions; we honor a wonderful, compassionate person who tirelessly fought for both our resources and for all of the people who loved him so very much.

It's an honor to be here. I urge adoption of this important legislation.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 5128, as amended, a bill to designate the United States Department of the Interior Building located at 1849 C Street, Northwest, in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''.

I knew Stuart Udall personally, and I have great admiration for the man. He was a great conservationist and environmentalist, and as fine a champion of this country's natural and cultural resources as the nation has ever produced.

Steward Udall served in the U.S. House of Representatives before President Kennedy appointed him Secretary of the Interior, a position he held from 1960 to 1969. In this role, he spearheaded the enactment of a broad range of groundbreaking conservation laws, including the Clean Air Act, the Water Quality and Clean Water Restoration Acts and Amendments, the Wilderness Act, the Endangered Species Act, the Solid Waste Disposal Act, the National Trail System Act and the Wild and Scenic Rivers Act.

In the arena of historic preservation, Stewart Udall sought to make the Federal Government a partner—not an adversary—in the preservation of America's historic resources. He was instrumental in the passage of the National Historic Preservation Act of 1966, the most far-reaching preservation legislation ever enacted in the United States. Programs he helped shape include the National Register of Historic Places, the Advisory Council on Historic Preservation, and the Historic Preservation Fund. This framework supports nearly every aspect of historic preservation today.

Stewart Udall was a naturalist, a conservationist, and an environmental activist: during the energy crisis of the 1970s, he advocated the use of solar energy as one means to remedy the country's growing dependence upon fossil fuels. As a member of the National Resources Defense Council, Udall defended the Environmental Protection Agency against closure due to budgetary cuts.

In 2008, High Country News published ''A Message to Our Grand Children'' signed by Stewart Udall and his late wife. A few excerpts from that document are illustrative of Udall's views:

''Americans must finally cast aside our notion that we can continue the wasteful consumption patterns of our past. We must promote a consciousness attuned to a frugal, highly efficient mode of living. . . . Foster a consciousness that puts a premium on the common good and the protection of the environment. . . . The lifetime crusade of your days must be to develop a new energy ethic to sustain life on earth . . . Go well, do well, my children. Cherish sunsets, wild creatures and wild places. . . .''

Given Stewart Udall's lifetime commitment to championing, conserving and appreciating the earth's natural resources and beauties, I find that it is entirely fitting and appropriate that we designate the main office building for the Department of Interior as the ''Stewart Lee Udall Department of the Interior Building''.

I urge my colleagues to join me in supporting H.R. 5128.

Mr. CAO. Madam Speaker, I yield back my time.

Mr. TEAGUE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. TEAGUE) that the House suspend the rules and pass the bill, H.R. 5128, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TEAGUE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1445

NATIONAL FOSTER CARE MONTH

Mr. MCDERMOTT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1339) expressing support for designation of May as National Foster Care Month and acknowledging the responsibility that Congress has to promote safety, well-being, improved outcomes, and permanency for the Nation's collective children.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1339

Whereas on average, the Nation's foster care system provides for nearly 500,000 children each day who are unable to live safely with their biological parents;

Whereas there is a shortage of foster parents and great need for their services, as there are fewer than 3 foster homes for every 10 children in care;

Whereas foster parents are the most frontline caregiver for children who cannot safely remain with their biological parents and provide physical care, emotional support, education advocacy, and are the largest single source of families providing permanent homes for kids leaving foster care to adoption;

Whereas 273,000 children entered the foster care system during fiscal year 2008 and an average of 123,000 children were waiting to be adopted every day;

Whereas almost 55,000 children were adopted out of foster care in fiscal year 2008, but the number of children ''aging out'' of the foster care system without finding a permanent family increased to an all-time high of nearly 30,000 in fiscal year 2008;

Whereas children ''aging out'' of foster care need and deserve a support system as they work to secure affordable housing, obtain health insurance, pursue higher education, and acquire adequate employment;

Whereas youth in foster care are much more likely to face educational instability with 65 percent of former foster children experiencing at least 7 school changes while in care;

Whereas an increased emphasis on prevention and reunification services is necessary to reduce the number of children that are forced to enter the foster care system;

Whereas Federal legislation over the past three decades, including the Adoption Assistance and Safe Families Act of 1980, the Adoption and Safe Families Act of 1997, and the Fostering Connections to Success and Increasing Adoptions Act of 2008, provided new investments and services to improve the outcomes of children in the foster care system;

Whereas foster children, like all children, deserve no less than a safe, loving, and permanent home; and

Whereas May would be an appropriate month to designate as National Foster Care Month to provide an opportunity to acknowledge the accomplishments of the child welfare workforce, foster parents, advocacy community, and mentors and the positive impact they have on children's lives: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Foster Care Month;

(2) honors the tireless efforts of those who work to improve outcomes for children in the child welfare system;

(3) acknowledges the exceptional alumni of the foster care system who serve as advocates and role models for youth who remain in care;

(4) recognizes the significant improvements to Federal, State, and local child welfare policy; and

(5) reaffirms the need to work through the title IV programs in the Social Security Act and other programs to support vulnerable families, invest in prevention and reunification services, promote adoption in cases where reunification is not in a child's best interest, adequately serve those children brought into the foster care system, and facilitate the successful transition into adulthood for children that ''age out'' of the foster care system.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Georgia (Mr. LINDER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. MCDERMOTT. 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 resolution under consideration.

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

There was no objection.

Mr. MCDERMOTT. I yield myself such time as I may consume.

Madam Speaker, the month of May marks National Foster Care Month, which provides us with an opportunity to recognize the unsung heroes, that is, the frontline workers and the foster parents who work tirelessly to improve the lives of our most vulnerable children, and to reaffirm Congress' commitment to foster care. We have a responsibility to work with State officials to ensure that they have the resources they need to care for these children and to help them move to a permanent home as quickly as possible.

Today, there are 463,000 children in the foster care system. While the number of children placed in care has recently declined, far too many children must wait far too long to safely reunify with their parents or find a new family to call their own. Right now, the average length of stay for a child in foster care is nearly 16 months. That is a significant amount of time in the life of any child, much less those who have been maltreated or separated from their parents, their siblings, their friends, and their community.

More than 120,000 children are currently waiting to find a new family to call their own through adoption. Children who are waiting to be adopted spend an average of nearly 2½ years in foster care as they await a new family.

Sadly, nearly 30,000 children left foster care or emancipated from the system in fiscal year 2008 without finding a permanent home, leaving these young people on their own as they transition from foster care to adulthood.

While we clearly have, still, lots of work to do, Congress made great progress in the last 2 years to improve the outcomes of vulnerable children in care. In 2008, Congress passed, with Jerry Weller on the Republican side and myself, bipartisan legislation called the Fostering Connections to Success and Increasing Adoptions Act.

This bill provided additional services and support to children in foster care, promoting the connection of children in care with their relatives and communities, and providing additional support for caseworker training. It also allowed States to extend foster care services to older youth, up to the age of 21, so that these young people can receive critical support services as they transition to adulthood, as they age out, so to speak.

And, as States began to grapple with fiscal restraints, severe fiscal restraints as a result of the recession, Congress stepped in to provide nearly $1 billion in targeted State relief for foster care programs as part of the Recovery Act.

While progress has been made over the last few years to support our national foster care system, there is plenty of additional work that still needs to be done. More focus must be placed on providing additional Federal support for prevention services to at-risk children and their families. By providing more resources that are targeted at preventing the incidents of child maltreatment and safely serving children and families in their own homes, we can ultimately reduce the number of children who are placed in foster care.

Foster kids, like all children, can and do grow up to make lasting positive impacts in their community and in the world. Many of you probably have read a recent article in The Washington Post that profiled Jelani Freeman, a foster child who completed a master's degree in history at American University, worked for 3 years in youth-related positions in the District, and graduated from Howard University Law School earlier this month.

I urge my colleagues to pay tribute to these remarkable young men and women in May, and every month of the year, by joining me and my colleague, Representative JOHN LINDER, and President Obama in recognizing May 2010 as National Foster Care Month and supporting this bipartisan resolution.

I reserve the balance of my time.

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

This resolution is one that, in a perfect world, would not be necessary. In that perfect world, every child would live with two married parents, and every parent would be unfailingly caring and loving for that child. But even as we promote the best environment for raising children, we know that, sadly, that is not the way the world works. So institutions are needed to ensure that, when biological parents don't adequately care for their children, other responsible adults step in. That is the role played by our foster care system and, most important, the thousands of foster parents who make foster care work to protect children.

Every day, foster parents care for about 500,000 children across America who cannot safely remain with their own parents. For that, as this resolution expresses, our Nation says ''thank you.''

While we celebrate those who make personal sacrifices to protect and care for children, we must also admit that this system doesn't always work as it should. Just like not every biological parent is up to the task, not every foster parent or caseworker meets expectations either. Sometimes children are subjected to repeated abuse, or worse, from within the very system designed to protect them.

The subcommittee on which I serve has had many hearings on such cases in which children have met with horrific abuse while under the supposed supervision of the child welfare system. Those hearings serve as a sad but important reminder why these systems require constant monitoring to ensure children are adequately and appropriately protected.

One of those ongoing efforts is to better involve relatives in the care of children. This is a promising approach, with bipartisan support, which recent laws have encouraged. But we won't make the needed progress until the Department of Health and Human Services issues guidance about the ''notification of relatives'' provisions of section 103 of the Fostering Connections to Success and Increasing Adoptions Act of 2008.

I urge the Department to act without further delay so relatives can play a greater role in the care of vulnerable children. Doing so during this month of May, which this resolution designates as National Foster Care Month, would be a fitting statement of our common desire to better protect children and also relieve some of the strains placed on the foster parents and caseworkers today. That is the intent of what Congress passed and the President signed into law now approaching 2 years ago.

This resolution reminds all Americans of the role foster parents especially play in helping children who have already missed out on so much in life. These children deserve to make progress like any other child. Through the efforts of tens of thousands of dedicated foster parents, they often do, against great odds. We owe these dedicated individuals our thanks and continued support.

Mr. CAMP. Madam Speaker, I rise today in support of H. Res. 1339, to designate May as National Foster Care Month.

Nearly one half million children are currently in foster care. This is a sobering statistic, and one that we must tirelessly work to reduce.

For many children, a positive permanent outcome can be found in reunification with their biological parents, or adoption into a new family.

However, far too many children languish for years without getting the help and love they deserve from permanent families. In 2008 over 10% of children leaving foster care, nearly 30,000 children, did so through emancipation and without the family support they deserve.

Equally alarming, for 2008 the National Child Abuse and Neglect Data System estimated that there were 1,740 child fatalities resulting from abuse or neglect. This is simply unacceptable.

With the passage of the 2008 Fostering Connections to Success and Increasing Adoptions Act, Congress made a significant commitment to reforming our nation's foster care system, giving states and families new tools to cut down on the amount of time that kids spend in foster care and more opportunities to find permanent homes. Yet, more can and should be done to make the system work for foster children.

I am pleased that we are taking the opportunity today to discuss the pressing needs of our foster care system. Children in foster care deserve our unwavering support. We must redouble our efforts to find them permanent families and until then, ensure their safety while in our care.

Mr. CONYERS. Madam Speaker, the number of children in foster care continues to rise in the United States. The current population exceeds 500,000 children. Most of these children are placed into foster care due to parental abuse or neglect making them vulnerable to adverse situations and negative social outcomes. Luckily, the foster care system serves as a safety net for our most vulnerable children. Therefore, both children and parents of the foster care system rely and depend on Congress to improve permanency and support systems for them.

Even though children who enter foster care remain in care for an average of thirty months many of them spend the majority of their childhood being placed from family to family. Without a permanent family, frequent moves from home-to-home and school-to-school creates a difficult level of instability to recover from. As a result, children face poor academic performance and higher rates of grade retention, absenteeism, tardiness, truancy, and dropout. Moreover, those that age out of the system do so without the necessary educational and job training skills. Quite naturally, these factors contribute to the risk of emotional and behavioral problems that lead to very negative future outcomes later in life. Therefore, it is necessary that Congress promotes the safety and well being of children placed into foster care.

I want to acknowledge all the individuals—including, foster parents, community advocates, mentors, and others—in the child welfare workforce for their dedication and commitment to improving outcomes for children placed into foster care.

I support H. Res. 1339 and hope that the month of May be designated as National Foster Care Month to provide an opportunity to acknowledge the accomplishments of the child welfare workforce, foster parents, advocacy community, and mentors and the positive impact they have on children's lives. I encourage my colleagues to support the resolution.

Mr. LINDER. I yield back the balance of my time.

Mr. MCDERMOTT. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 1339.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCDERMOTT. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EXTENDING IMMUNITIES TO THE OFFICE OF THE HIGH REPRESENTATIVE IN BOSNIA AND HERZEGOVINA AND THE INTERNATIONAL CIVILIAN OFFICE IN KOSOVO ACT OF 2010

Mr. MCMAHON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5139) to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5139

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 ''Extending Immunities to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo Act of 2010''.

SEC. 2. AUTHORITY TO EXTEND THE PROVISIONS OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO THE OFFICE OF THE HIGH REPRESENTATIVE IN BOSNIA AND HERZEGOVINA AND THE INTERNATIONAL CIVILIAN OFFICE IN KOSOVO.

The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

''SEC. 17. The provisions of this title may be extended to the Office of the High Representative in Bosnia and Herzegovina (and to its officers and employees) or the International Civilian Office in Kosovo (and to its officers and employees) in the same manner, to the same extent, and subject to the same conditions, as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation. Any such extension may provide for the provisions of this title to continue to extend to the Office of the High Representative in Bosnia and Herzegovina (and to its officers and employees) or the International Civilian Office in Kosovo (and to its officers and employees) after that Office has been dissolved.''.

SEC. 3. BUDGET COMPLIANCE.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCMAHON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MCMAHON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

I rise in strong support of this bill that provides legal protection for U.S. personnel working in two Balkans-based organizations.

I wish to thank my good friend from California and the chairman of the Foreign Affairs Committee, Representative HOWARD BERMAN, for introducing this important measure.

The Office of the High Representative, or OHR, in Bosnia and Herzegovina and the International Civilian Office, the ICO, in Kosovo arose out of efforts by the international community, with the United States' leadership, to bring peace and stability to the Balkans following the conflicts in the 1990s.

The OHR has been performing an invaluable function in overseeing the civilian implementation of the Dayton Accords, while the ICO has been ensuring implementation of provisions of the Comprehensive Proposal of the Kosovo Status Settlement. Over 200 Americans have worked at these organizations.

H.R. 5139 amends the International Organizations and Immunities Act, or the IOIA, by authorizing the President to extend privileges and immunities to the officers and employees of the OHR and ICO.

This technical fix seeks to help avoid costly and politically sensitive litigation in the United States' courts against employees of these organizations who are not otherwise guaranteed immunity under the IOIA.

Unlike typical international organizations designated under the IOIA, neither the OHR nor the ICO is intended to endure beyond a limited timeframe necessary for implementing their mandates. Thus, H.R. 5139 enables the President to extend the privileges and immunities after these bodies are dissolved, since even then litigation may

be brought against former employees or for records of the organization.

It is of utmost importance that the United States Government protects its diplomats who serve in international organizations, often at great personal risk and sacrifice, from financial and personal ruinous litigation. In addition, we must preserve our ability to use informal institutions to conduct foreign policy and attract qualified personnel.

Madam Speaker, I urge my colleagues to support H.R. 5139.

I reserve the balance of my time.

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

I rise in support of H.R. 5139.

The Office of High Representative in Bosnia and the International Civilian Office in Kosovo were established to help promote stable, multiethnic democratic governance in those countries in the aftermath of the vicious warfare they suffered throughout the 1990s.

The United States has supported these missions and assigned American diplomats to help them with critical expert advice. Regrettably, these American diplomats could now face costly, politically motivated nuisance lawsuits based on their actions in the course of their official duties while helping those organizations and those nations.

For other international organizations in which the United States participates by treaty or by an act of this Congress, the President may freely extend immunity from such lawsuits to officers and employees under the International Organization Immunities Act. However, due to the ad hoc nature of their establishment, these two offices are not automatically covered by this law. This brief bill seeks to rectify the issue by allowing the President to extend those privileges and immunities to those organizations and their employees.

Congress has similarly amended the IOIA to extend immunities to other organizations falling in similar gray areas, such as the European Space Agency, the Organization of Eastern Caribbean States, and the Global Fund to Fight AIDS, among just a few.

□ 1500

These immunities are not nearly as broad as the personal immunity enjoyed by foreign diplomats in the United States, but will insulate our officers from suit only for their official actions as employees of those organizations, and may be revoked by the President at any time. I'm pleased to support the passage of this measure, which represents a bipartisan text that was worked out with the Department of State and with our Senate colleagues.

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

Mr. POMEROY. Madam Speaker, I rise today in support of H.R. 5139.

I strongly support this needed legislation which extends the diplomatic protections granted under the International Organizations and Immunities Act (IOIA) to employees of the Office of the High Representative (OHR) in Bosnia and Herzegovina and the International Civilian Office (ICO) in Kosovo. The OHR and ICO have been critical institutions for fostering peace and stability in Bosnia and Kosovo, but due to their unique ad hoc structure, the employees of these institutions are at risk of litigation related to the carrying out of their official duties.

This is unacceptable. Other similar institutions have been extended IOIA protections, and we must bring the OHR and ICO under the IOIA umbrella. Acting on this issue in a timely manner is especially important as neither the OHR nor ICO is intended to endure beyond a limited time frame necessary for the implementation of their mandate.

The hard working men and women at the OHR and ICO have worked tirelessly, often at great personal sacrifice, to promote peace in the region. This is especially apparent with respect to their efforts to root out corruption and to freeze assets used by war criminals.

Unfortunately, obstructionist political elements in the region have been all too vocal regarding their intent to take legal action against employees of the OHR and ICO. It is unacceptable that OHR and ICO employees could face potential lawsuits for their official actions carried out with the express purpose of furthering core United States foreign policy objectives.

The bill before us takes the necessary step of bringing the OHR and ICO under the IOIA, and grants well deserved protections to those working to bring peace and stability to the countries of Bosnia and Kosovo. Please support this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCMAHON) that the House suspend the rules and pass the bill, H.R. 5139, as amended.

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

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES TO CHINA FOR TRAGIC EARTHQUAKE IN QINGHAI PROVINCE

Mr. MCMAHON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1324) expressing condolences and sympathies for the people of China following the tragic earthquake in the Qinghai province of the Peoples Republic of China on April 14, 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1324

Whereas, on April 14, 2010, an earthquake measuring 6.9 on the Richter scale struck the Qinghai province of southwest China;

Whereas the China Earthquake Networks Administration confirmed the earthquake struck in Yushu County, a remote and mountainous area sparsely populated by farmers and herdsmen;

Whereas the population of Yushu County is overwhelmingly poor, with rural residents earning an average of $342 a year, largely from agriculture;

Whereas at least 18 aftershocks measuring more than 6.0 on the Richter scale followed the quake throughout the day in the seismically active zone;

Whereas over 2,000 people have been killed and over 10,000 injured, numbers that are feared to climb;

Whereas an unknown number of individuals remain buried in debris as soldiers work around the clock to dig them out by hand;

Whereas at least 40 people remain trapped under a collapsed office building that houses the local Departments of Commerce and Industry of the Peoples Republic of China and many children and young adults still lie beneath the rubble of collapsed primary and vocational schools;

Whereas officials expect the death toll will rise because rescue efforts are stymied by a lack of heavy equipment and the mountainous terrain;

Whereas medical supplies and tents are also in short supply;

Whereas China Central Television and the Red Cross Society of China estimate that 90 percent of homes and 70 percent of schools in the region have been destroyed;

Whereas the region that includes Yushu County is located on the Tibetan plateau, and many villages sit well above 16,000 feet, with freezing temperatures not uncommon in mid-April;

Whereas by the evening of April 14, 2010, temperatures in the county seat had already reached 27 degrees Fahrenheit;

Whereas thousands of Tibetan monks, many of whom traveled long distances from other Tibetan areas, have played a vital role in relief efforts, providing food and assistance, and tending to the basic and spiritual needs of the victims;

Whereas in order to prevent a flood, workers are racing to release water from a reservoir in the disaster area after discovering that a crack had formed in the dam due to the earthquake;

Whereas many survivors have already fled to the surrounding mountains, amid fears that a nearby dam could be ruptured by the aftershocks hitting the area;

Whereas news media reported that 700 paramilitary officers are already working in the quake zone and that more than 4,000 others will be sent to assist in search and rescue efforts;

Whereas the Civil Affairs Ministry said it would also send 5,000 tents and 100,000 coats and blankets; and

Whereas the international community is sending much needed supplies and supporting local Chinese relief efforts: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest condolences and sympathies for the loss of life and the physical and psychological damage caused by the earthquake of April 14, 2010;

(2) expresses solidarity with the people of the Qinghai province, Tibetan-Americans, Chinese-Americans, and all those who have lost loved ones or have otherwise been affected by the tragedy, including rescue and humanitarian workers;

(3) reaffirms the United States pledge, issued by Secretary of State Hillary Rodham Clinton, to stand ready to assist the people of China during this difficult period; and

(4) expresses support for the recovery and long-term reconstruction needs of the residents of the areas affected by the earthquake, including the restoration of monasteries and other Tibetan Buddhist sites that are integral to the preservation of Tibetan culture and religious traditions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCMAHON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MCMAHON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. MCMAHON. Madam Speaker, I rise in strong support of this resolution. I thank my colleague, Congressman MANZULLO of Illinois, for his support, and yield myself such time as I may consume.

Madam Speaker, on April 14, 2010, an earthquake measuring 6.9 on the Richter scale struck the Qinghai province of southwest China. With over 18 aftershocks measuring more than 6.0 on the Richter scale, the devastation and suffering that followed was immeasurable. The earthquake killed over 2,000 residents of Yushu Tibetan Autonomous Prefecture, which is 97 percent Tibetan and has been a cradle for Tibetan culture and religion for centuries. Furthermore, in the aftermath of the quake, countless schools, government buildings, and local monasteries stood in ruins.

First on the scene were local Tibetan Buddhist monks who worked in very treacherous conditions to stabilize schools, clinics, and homes to rescue survivors. These monks, many working in their robes with the most basic of tools, worked for hours without breaking until heavy machinery could be moved in. They were joined in their efforts by local and national Chinese authorities who worked in conjunction with the community groups on search and rescue and now join in the rebuilding.

The worst-hit town of Kyegu still contains over 100,000 homeless residents, on top of the 20,000 migrants, described as ''mostly herders and farmers,'' already living there. Yet, 5 weeks after the earthquake, we are seeing the silver lining, as plans to reconstruct all of Kyegu, including the destroyed Buddhist holy sites, and build new homes for those who tragically lost their own, take place.

On May 1, 2010, Chinese Premier Wen Jiabao announced a plan to rebuild Kyegu in an ''eco-friendly'' manner during a meeting on postdisaster rehabilitation and reconstruction. I commend the Chinese government's efforts to rehabilitate and modernize the region, but encourage them also to include the local Tibetan population in their reconstruction plans, given the distinctiveness of the region as a center of Tibetan culture.

On behalf of the over 50,000 Chinese Americans who reside in my congressional district, I express my condolences for all the people of the Qinghai province, Tibetan Americans, Chinese Americans, and all those who have lost loved ones or are otherwise affected by this tragedy, including rescue and humanitarian workers. I also want to commend Ambassador Huntsmann, who presented a check for $100,000 to the Chinese Red Cross Society for their efforts to rebuild after the Qinghai earthquake. Ambassador Huntsmann's remarks demonstrated that we stand with the Chinese people to rebuild Qinghai and further develop stronger ties between our two nations.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of this resolution addressing the tragic earthquake which took over 2,000 lives and left over 10,000 injured when it struck on April 14, 2010. I would, however, like to mention an omission in the official American response to this tragedy—one that is only partially rectified in the wording of this resolution. The epicenter of the earthquake struck on the Tibetan plateau and the vast majority of victims were from Tibet. Yet the message of condolence issued in the name of the Secretary of State on April 15, while ''offering thoughts and prayers for the people of China on this difficult day,'' made no mention of the thousands of Tibetans who lost their lives, their homes, and their places of worship. Madam Speaker, political correctness has no place when addressing human tragedy, no matter where it occurs in the world.

While we mourn the death of both Tibetans and the Chinese migrant workers who were in the area, we should not ignore the fact that this was one more blow to the Tibetan heartland. The damage to Tibetan monasteries caused by this earthquake is only the latest event in the sad chapter of the devastation of this culture over the past half century.

The war waged against Tibetan culture began with the Chinese People's Liberation Army invasion of the Tibetan plateau in 1959. It continued in the frenzy of fanatic young Red Guards smashing statues of Buddha and assaulting monks and nuns during the infamous ''Cultural Revolution.'' It continued right up until 2 years ago, when Beijing cracked down once again on dissent by rounding up Tibetan political prisoners and in closing the monasteries. It has been the United States' stated policy since the passage almost a decade ago of our late colleague, Tom Lantos' Tibetan Policy Act, to work to protect the Tibetan culture, language, and their religion. Yet the administration was noticeably silent regarding this latest blow to Tibetan culture and regarding the massive loss of their lives. The Dalai Lama, recipient of the Congressional Gold Medal, addressed this tragic earthquake with these words of appeals. He said, ''To fulfill the wishes of many of the people there, I am eager to go there myself to offer them comfort.''

I submit for the RECORD the brief remarks the Dalai Lama made on April 14 and April 17, 2010.

[From dalailama.com, Apr. 14, 2010]

HIS HOLINESS OFFERS HIS CONDOLENCES TO THE VICTIMS OF THE EARTHQUAKE IN KYIGUDO

I am deeply saddened by the loss of life and property as a result of the earthquake that struck Kyigudo (Chinese—Yushu) this morning.

We pray for those who have lost their lives in this tragedy and their families and others who have been affected. A special prayer service is being held at the main temple (Tsuglagkhang) here at Dharamsala on their behalf.

It is my hope that all possible assistance and relief work will reach these people. I am also exploring how I, too, can contribute to these efforts.

[From dalailama.com, Apr. 17, 2010]

HIS HOLINESS THE DALAI LAMA EAGER TO VISIT EARTHQUAKE AFFECTED AREA

As I mentioned briefly soon after I heard the news, I was deeply saddened by the effects of the devastating earthquake in the Yushu Tibetan Autonomous Prefecture (Tibetan: Kyigudo) of Qinghai Province which resulted in the tragic loss of many lives, a great number of injured and severe loss of property. Because of the physical distance between us, at present I am unable to comfort those directly affected, but I would like them to know I am praying for them.

I commend the monastic community, young people and many other individuals from nearby areas for their good neighbourly support and assistance to the families of those who have lost everything. May your exemplary compassion continue to grow. This kind of voluntary work in the service of others really puts the bodhisattva aspiration into practice.

I also applaud the Chinese authorities for visiting the affected areas, especially Prime Minister Wen Jiabao, who has not only personally offered comfort to the affected communities, but has also overseen the relief work. I am very appreciative too that the media have been free to report on the tragedy and its aftermath.

In 2008, when a similar earthquake struck Sichuan, Chinese central and local government leaders and auxiliary authorities took great pains to provide relief, allow free access to the media, as well as clearing the way for international relief agencies to provide assistance as required. I applauded these positive moves then and appeal for such ease of access on this occasion too.

The Tibetan community in exile would like to offer whatever support and assistance it can towards the relief work. We hope to be able to do this through the proper and appropriate channels as soon as possible.

When Sichuan was rocked by an earthquake two years ago, I wished to visit the affected areas to pray and comfort the people there, but I was unable to do so. However, when Taiwan was struck by a typhoon last year, I was able to visit the affected families

and pray with them for those who had perished in that disaster. In providing some solace to the people concerned, I was happy to be able to do something useful.

This time the location of the earthquake, Kyigudo (Chinese: Yushu), lies in Qinghai Province, which happens to be where both the late Panchen Lama and I were born. To fulfill the wishes of many of the people there, I am eager to go there myself to offer them comfort.

In conclusion, I appeal to governments, international aid organisations and other agencies to extend whatever assistance they can to enable the families of those devastated by this tragedy to rebuild their lives. At the same time, I also call on the survivors of this catastrophe to recognise what has happened as the workings of karma and to transform this adversity into something positive, keeping their hopes up and meeting setbacks with courage as they struggle to restore what they have lost. Once again, I pray for those who have lost their lives as well as for the well being of those who have survived.

I call upon the administration to hear the cries of the Tibetan victims of this tragic national disaster and to advocate for a visit by their spiritual leader, the Dalai Lama. I urge Beijing leadership to show some mercy and allow a visit to the earthquake area by the Dalai Lama as well—a location very near the site where he was actually born. Only when their spiritual leader is allowed to come and offer solace to their grief and suffering can the Tibetan victims of this national tragic disaster truly begin to heal.

Madam Speaker, I yield back the balance of my time.

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

Just to continue on a point that I failed to mention, the issue of the Tibetan people is, of course, very near and dear to me as well. I have in my district the only Tibetan cultural museum in North America. And it's a site that we have worked with and honored for years—the importance of the Tibetan people, their culture, and what it means to the whole world, and that they are allowed to continue to survive and flourish in this world. And so on many points I agree with the gentleman from Texas.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCMAHON) that the House suspend the rules and agree to the resolution, H. Res. 1324.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCMAHON. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

URGING ESTABLISHMENT OF U.S. CONSULATE IN KURDISTAN REGION OF IRAQ

Mr. MCMAHON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 873) establishing a United States Consulate in the Kurdistan Region of Iraq, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 873

Whereas 15 countries, including leading European nations, have diplomatic and consulate representation in Erbil, the capital of the Kurdistan Region of Iraq;

Whereas the United States Department of State modified its Travel Warning for Iraq this year to reflect the relative safety and security of the Kurdistan Region of Iraq;

Whereas the establishment of a United States Consulate in the Kurdistan Region of Iraq, as well as in other regions of Iraq, is consistent with current United States policy to normalize United States–Iraqi relations at the diplomatic, commercial, cultural, and educational levels as United States Armed Forces responsibly redeploy from Iraq in accordance with the Status of Forces Agreement between the United States and Iraq;

Whereas greater United States Government civilian representation throughout Iraq, including in the Kurdistan Region, will serve United States interests during this period of transition;

Whereas the establishment of a United States Consulate in the Kurdistan Region of Iraq will increase travel between the United States and Iraq and thus strengthen people-to-people exchanges between both sides;

Whereas currently, United States citizens either living in or visiting the Kurdistan Region of Iraq must travel to the United States Embassy in Baghdad, 200 miles away, to receive consular services;

Whereas the establishment of a United States Consulate in the Kurdistan Region of Iraq will be helpful both in attracting greater United States business and investment to the region and in ensuring that the region continues to serve as a ''gateway'' to United States business success in other parts of Iraq, as a number of United States Government agencies have advocated;

Whereas the establishment of a United States Consulate in the Kurdistan Region of Iraq will reaffirm United States support for the stability, prosperity, and democracy that the Kurdistan Region of Iraq has achieved;

Whereas the establishment of a United States Consulate in Iraq, including in the Kurdistan Region will facilitate more governmental and nongovernmental missions between the United States and the Iraq;

Whereas the Kurds of Iraq have been willing partners with the United States in the democratic transition in Iraq since 2003;

Whereas the United States and the Kurdistan Regional Government (KRG) have been full partners in the battle against terrorists who seek to undermine progress toward an Iraq that is prosperous, free, and federal;

Whereas the establishment of a United States Consulate in the Kurdistan Region and in other regions will play a helpful role in continuing to safeguard Iraq's territorial integrity from external aggression and support United States and Iraqi diplomatic initiatives that seek to prevent outside interference in Iraq's affairs;

Whereas the establishment of a United States Consulate in the Kurdistan Region of Iraq will also foster continued dialogue between the United States and the KRG; and

Whereas the establishment of a United States Consulate in the Kurdistan Region of Iraq will positively contribute to continued diplomatic initiatives between the KRG and Turkey: Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls on the Department of State to establish a United States Consulate in the Kurdistan Region of Iraq, as well as in other appropriate regions of Iraq; and

(2) affirms that the establishment of a United States Consulate in the Kurdistan Region as well as in other regions of Iraq will be an important United States diplomatic step in supporting stability, prosperity, human rights, and democracy throughout Iraq.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCMAHON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MCMAHON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. MCMAHON. Madam Speaker, I rise in strong support of this resolution, and yield myself such time as I may consume.

This resolution expresses the sense of Congress that the United States should establish a consulate in the Kurdistan region of Iraq. As the United States military presence in Iraq winds down and our diplomatic presence increases, a consulate in northern Iraq will prove indispensable to America. Fifteen countries, including Iran, Turkey, and a leading number of European countries, have already opened consulates in Erbil, the capital of the Kurdistan regional government. It would benefit U.S. national security to follow suit. American economic interests would also be served by opening a consulate in northern Iraq. Indeed, Iraqi Kurdistan offers numerous business opportunities across a number of important sectors, including energy development and infrastructure. The lack of a consulate in northern Iraq is preventing U.S. firms from taking full advantage of these new economic opportunities in a rapidly developing region. Instead, contracts are going to Iranian, European, Turkish, and Asian corporations.

Finally, the absence of a U.S. consulate in northern Iraq makes it extremely difficult for the residents of that region—Kurds, Arabs, and others—to gain access to U.S. consular services. Iraqis from the north must drive more than 200 miles to reach the American Embassy in Baghdad. And

some of the territory they are forced to cover is treacherous. This is no way to encourage Iraqi communication with American diplomats or to handle passport issues.

Madam Speaker, this year, the State Department modified its travel warning for Iraq, reflecting the relative safety and security in the Kurdistan region. And we must not forget that the Kurdish people of Iraq have been partners with the United States for many years. I believe that the establishment of the United States consulate in the Kurdistan region of Iraq will demonstrate our strong commitment to maintaining and building upon a success and stability that has already been achieved in that part of Iraq, thanks in large part to the proud, brave, and courageous warriors from our armed services. I also believe that we should open consulates in the majority Shia south and the majority Sunni Arab center of the country to expand America's diplomatic reach and presence throughout Iraq.

Madam Speaker, the future of United States-Iraqi relations will be based on diplomacy and security. Expanding our consular access in northern Iraq will contribute both to our national security goals and to the stabilization and success of the Iraqi nation. I encourage all of my colleagues to support H. Res. 873.

Madam Speaker, I reserve the balance of my time.

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

Iraqi Kurds have been willing partners with the United States since the beginning of the transition to democracy in Iraq in 2003. They personally endured the brutal persecution and murder, including the use of chemical weapons, that characterized the tyranny of Saddam Hussein's regime over Iraq. Their determination to prevent the recurrence of such persecution underlies their partnership with us in battling against terrorists, insurgents, and other militant extremists who seek to undermine the progress made in Iraq. They have committed themselves to a future within a Federal Republic of Iraq, a future of stability, of prosperity and democracy, of freedom and human rights. This is their vision, and this is our vision. Indeed, the future of United States cooperation with the Republic of Iraq in general, including the Kurdistan region, contains great opportunity for us.

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As we responsibly redeploy from Iraq in accordance with our Status of Forces Agreement with the Republic of Iraq, we are continuing to normalize our bilateral relations at many different levels, as we should. One way to do so is to establish U.S. consulates in appropriate regions of Iraq, including in the Kurdistan region. Currently, United States citizens living in or visiting the Kurdistan Region of Iraq must travel 200 miles away to our embassy in Baghdad to receive consular services. Increased U.S. Government civilian representation throughout Iraq will serve American interests during this period of transition, increasing opportunities for travel, governmental and nongovernmental missions, people-to-people exchanges between our two nations, and for attracting greater U.S. business and investment in Iraq. And in this respect, establishing a consulate in the Kurdistan Region of Iraq will help ensure that the region continues to serve as a gateway for American businesses and investment to other regions of Iraq. Establishing U.S. consulates will also advance continued dialogue between the United States and the Republic of Iraq, including dialogue with the Kurdistan Regional Government.

Finally, U.S. consulates in Iraq will hopefully help to ensure that stability, security, prosperity, human rights and freedom in Iraq, including in the Kurdistan Region, are protected and strengthened in the days and months and years ahead. Already, 15 countries, including leading European countries, have consular representation in the capital of the Kurdistan Region of Iraq. Therefore, I strongly support House Resolution 873, which calls for the establishment of U.S. consulates in appropriate regions of Iraq, including Kurdistan.

I thank the distinguished ranking member of the Subcommittee on International Organizations, Human Rights, and Oversight, Mr. ROHRABACHER from California, for sponsoring this resolution.

I reserve the balance of my time.

Mr. MCMAHON. Madam Speaker, at this time I yield 5 minutes to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Madam Speaker, I thank the chairman.

I rise in strong support of House Resolution 873. On several occasions, I have had the opportunity to visit Iraq and had the privilege of visiting the Kurdistan Region. I have seen firsthand the stability in this rapidly developing part of Iraq. Which is why on October 27 of last year, I joined Congressman ROHRABACHER in introducing H. Res. 873, a resolution that would encourage the State Department to establish an American consulate in Erbil, which is the capital city of the Kurdistan Region of Iraq. Almost 20 other countries, including developed European allies and other world powers, have already set up their consulates in the Kurdistan Region, and America, I believe, should do the same. Establishing a consulate in Iraqi Kurdistan should be part of our transition in Iraq, from a military presence to a civilian and diplomatic one. This is an important step on Iraq's path to normalization and recognizes the growing stability in that part of the world and in northern Iraq.

A consulate in Erbil will serve both U.S. and Iraqi interests. A consulate will aid in fostering the growing economic, potential commercial and cultural/educational ties between the Kurdistan Region of Iraq and the U.S. The lack of a consulate is putting America at a disadvantage in the region and is a disservice, I believe, to our Iraqi Kurdish partners.

Since introduction of this resolution, the State Department has released plans to set up two permanent consulates in Iraq, readying itself for a larger role in the country as the U.S. military presence prepares to leave. The administration is requesting funds in the military supplemental for a consulate in Basra and one in northern Iraq. I believe the one in northern Iraq should be located in Erbil.

Erbil is one of the longest contiguous residential cities in the world, and as we have engaged in Operation Iraqi Freedom, not a single soldier, not a single American life has been lost in combat in the northern part of Iraq. America's friends throughout the world and America's friends in Kurdistan I believe deserve the presence of a consulate in this country in Erbil in northern Iraq.

Mr. POE of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROHRABACHER), the ranking member of the Foreign Affairs Subcommittee on International Organizations, Human Rights, and Oversight and the author of this legislation.

Mr. ROHRABACHER. Madam Speaker, I rise in strong support of my resolution, H. Res. 873, and ask my colleagues to join me in this both moral and practical resolution.

A strong relationship with the Kurdish people serves the cause of peace, stability and democratic government in a region that needs a lot of bolstering when it comes to peace, stability and democratic government. It is a strong relationship with the Kurds that will keep radical Islamic forces in other parts of Iraq in check. It is a strong relationship with the Kurds that will offset the support that is going to these radical elements in the rest of Iraq and the region. As we know, the Kurds over the years have a history of being an oppressed people. Thus, they are natural allies of the United States, a country, our country, whose tradition is supporting oppressed peoples and struggling with them to promote democracy, opportunity and prosperity. If we can count on the Kurds, we will know that there's an opportunity for peace and stability in that area that wouldn't exist otherwise. And if they can count on us, the Kurds, we can count on them. This legislation will codify that relationship and that friendship by establishing an American consulate in Erbil, which is in the Kurdish part of Iraq. Let me note that 20 other countries, including European nations and other world powers, have diplomatic and consulate representation in Erbil, which is the capital of the Kurdistan Region of Iraq.

The Kurds have been willing partners of the United States since that democratic transition in Iraq began in 2003, and the Kurdish part of the country has served as a model for Iraq's democratization ever since Operation Iraqi Freedom.

We should move forward with this. Actually, it really is a sorry comment that we have to have congressional legislation to force the State Department to have a consulate in Kurdistan or in the Kurdish region of Iraq. This makes all the sense in the world. It's good for them. It's good for us. It's good for the people of Iraq. It creates an area of stability in which we are officially recognizing that concept of a peaceful relationship with the Kurds in order to have peace in Iraq.

So I ask my fellow colleagues to join me today in officially recognizing this great friendship that serves us all so well by enabling the State Department to open a consulate in Erbil, Kurdistan, and, again, underscoring the great friendship between the Kurds and the American people, a friendship that serves both our countries well.

Mr. POE of Texas. Madam Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCMAHON) that the House suspend the rules and agree to the resolution, H. Res. 873, as amended.

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

The title of the resolution was amended so as to read: ''Calling for the establishment of a United States Consulate in the Kurdistan Region of Iraq along with similar efforts in other areas of Iraq.''.

A motion to reconsider was laid on the table.

UNITED STATES-ISRAEL ROCKET AND MISSILE DEFENSE COOPERATION AND SUPPORT ACT

Mr. MCMAHON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5327) to authorize assistance to Israel for the Iron Dome anti-missile defense system, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5327

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 ''United States-Israel Rocket and Missile Defense Cooperation and Support Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Jewish State of Israel, as a close and indispensable ally of the United States, with whom the United States enjoys mutually-beneficial military, intelligence, homeland security, scientific, technological, and other cooperation, deserves all necessary assistance to defend itself and its citizens from the many threats that it continues to face.

(2) The State of Israel has been under grave threat and frequent attack from missiles, rockets, and mortar shells fired at Israeli civilian targets by militants from the Foreign Terrorist Organization Hamas on its southern border and by the Foreign Terrorist Organization Hezbollah on its northern border, which have killed, wounded, or inflicted psychological trauma on countless Israelis.

(3) The United States remains committed to Israel's qualitative military edge, including its advantage over non-state actors such as Hamas and Hezbollah, which boast increasingly sophisticated and powerful weapons as a result of support from Iran, Syria, and other state actors.

(4) Regional stability and lasting peace between Israel and the Palestinians requires that Israel can ensure the safety of its population against rocket, missile, and other threats.

(5) The United States can help to advance its own vital national security interests and the cause of peace by supporting Israel's ability to defend itself against rocket, missile, and other threats.

(6) The State of Israel announced in January 2010 the successful testing of its Iron Dome Short Range Artillery Rocket Defense System which is designed to intercept short-range rockets, missiles, and mortars launched by militants in Gaza and southern Lebanon.

(7) In the face of threats from its neighbors and non-state actors, Israel historically has sought the means to defend itself, by itself.

(8) President Barack Obama has stated: ''Our commitment to Israel's security is unshakable.''.

(9) Vice President Joe Biden has stated: ''From my experience, the one precondition for progress is that the rest of the world knows this—there is no space between the U.S. and Israel when it comes to security—none.''.

(10) Secretary of Defense Robert M. Gates has stated: ''President Obama has affirmed, the United States commitment to Israel's security is unshakable, and our defense relationship is stronger than ever, to the mutual benefit of both nations.''.

(11) President Obama recently requested funds to help the State of Israel procure and maintain Iron Dome missile batteries.

SEC. 3. AUTHORIZATION OF ASSISTANCE TO ISRAEL FOR IRON DOME ANTI-MISSILE DEFENSE SYSTEM.

The President, acting through the Secretary of Defense and the Secretary of State, is authorized to provide assistance to the Government of Israel for the procurement, maintenance, and sustainment of the Iron Dome Short Range Artillery Rocket Defense System for purposes of intercepting short-range rockets, missiles, and mortars launched against Israel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCMAHON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MCMAHON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. MCMAHON. Madam Speaker, I rise in strong support of this legislation and yield myself as much time as I may consume.

H.R. 5327, the United States-Israel Rocket and Missile Defense Cooperation and Support Act of which I am a proud original cosponsor, authorizes funds for the State of Israel to facilitate the deployment of the Iron Dome missile defense system. I would like to thank the distinguished gentleman from Virginia (Mr. NYE) for introducing this important legislation.

Madam Speaker, as we all know, the residents of Israel are subject to the constant threat of terrorist attack—not just threat but actual attack. Israelis living in the southern city of Sderot have been terrorized by more than 8,000 indiscriminate rocket and mortar attacks on their homes, schools and communities. Passage of the U.S.-Israel Rocket and Missile Defense Cooperation and Support Act today will help provide Israel with a reliable missile shield that could lead to a major strategic shift in Israel's approach to dealing with the persistent missile threat.

For years, the primary tool that Israel has used to protect its citizens from Hamas and Hezbollah missile attacks is an early warning system that sets off sirens telling people to hurry into bomb shelters. This is a passive defense which aims to minimize fatalities among helpless, unprotected civilians. The deployment of the Iron Dome missile shield will give Israel the capability to provide active defense. This advanced system has the capability of knocking Qassams, Katyushas, mortars and other deadly projectiles out of the sky, rendering them harmless.

President Obama's decision to provide the necessary funding to support Israel's deployment of the Iron Dome system demonstrates America's enduring commitment to Israel's enduring defense and the Obama administration's commitment to ensuring Israel's security. As Secretary of Defense Robert Gates recently said, ''President Obama has affirmed, the United States' commitment to Israel's security is unshakable, and our defense relationship is stronger than ever, to the mutual benefit of both nations.'' Madam Speaker, U.S.-Israeli cooperation on the Iron Dome system will help advance the cause of peace by supporting Israel's ability to defend herself against terrorist attacks. This will give Israel the security it requires to live in peace and to make difficult sacrifices for peace. I believe defensive technologies like Iron Dome are a real-world necessity for Israel as it moves from proximity talks to direct talks and eventually to a final two-state solution.

Madam Speaker, the United States and our ally Israel share many of the

same security challenges, from combating terrorism to confronting the threat posed by Iran's nuclear weapons program. President Obama and the Democrats in Congress recognize the threat posed by Hamas and Hezbollah to Israel, and we will continue to do what is necessary to keep Israel safe and promote the cause of peace, but we cannot have peace until Israel is safe. Today we stand shoulder to shoulder with the people of Israel in their quest for peace and the right to live lives free of terrorism. I encourage all of my colleagues to vote ''yea'' on this important legislation.

Madam Speaker, I reserve the balance of my time.

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

One of the foundations of America's national security policy is and must remain our deep alliance and our friendship with the democratic, Jewish State of Israel. We not only share our deepest values with Israel, but we also enjoy close, mutually beneficial, bilateral cooperation in many fields, including defense, intelligence, homeland security, science, technology and education. And as many have noted, Israel is a stabilizing force, and our alliance with Israel is a force multiplier in a region of great strategic importance to not only Israel but the United States.

In short, the United States' support for Israel advances our own security interests. But every day the threat to the democratic, Jewish State of Israel grows and continues to grow. As the Iranian regime draws closer to obtaining the capabilities for nuclear weapons and the missiles to deliver them, as that same regime sponsors Hezbollah, Hamas and other foreign terrorist organizations, and as the Syrian regime follows in its footsteps in these regards, the goal is very simple: To destroy Israel and the Jewish people, with the United States next.

Madam Speaker, the little fellow from the desert, Ahmadinejad, has denied the Holocaust. He has compared Israel to a ''germ,'' threatened to ''wipe Israel off the map,'' and has spoken of his goal of ''a world without America and Zionism.'' The dictator of Syria has threatened Israel with ''violent resistance.'' Hamas' covenant calls for killing Jews and destroying the nation of Israel. Hezbollah's leader has reportedly stated that ''If the Jews all gather in Israel, it will save us the trouble of going after them worldwide.''

□ 1530

Madam Speaker, we should take these threats from Syria, Iran, Hezbollah, and Hamas as serious threats to world stability, and specifically to the nation of Israel. They have backed up these threats with their evil deeds. For the last decade, thousands of rockets and mortars have been fired by Hezbollah from the north and Hamas to the south, sponsored by Iran and Syria with reported aid from the nation of North Korea. Since Israel's defense operations against Hezbollah in 2006, Hezbollah has rapidly rearmed again, thanks to Syria and Iran and North Korea, and reports indicate they now have over 40,000 rockets aimed at Israel.

Recent reports indicate that Syria is providing Hezbollah with long-range missiles that could strike most of Israel, and that some of that weaponry was reportedly manufactured by those folks in North Korea. I would add incidentally that it doesn't help matters when senior administration officials say the United States should build up what they call more moderate elements of Hezbollah. There are no moderate elements of Hezbollah. Hezbollah is not a mainstream political party. They are a blood-thirsty terrorist group. But I digress, Madam Speaker.

To Israel's south, Hamas and other violent militant groups in the Gaza area have fired thousands and thousands of rockets and mortars on civilian targets in southern Israel since 2000, killing, wounding and inflicting deep psychological trauma on Israeli citizens.

Madam Speaker, I doubt if we would long put up with rockets coming from the north of our border and from the south of our border, but the Israelis have to put up with the terror from the north and the south on a constant basis. Since the conclusion of Israel's defensive operation in January 2009, the rockets and mortars have abated, but they have not stopped entirely. In fact, over 200 have been fired in the last 16 months.

To defend the Israeli people, the State of Israel is developing a multilayered rocket and missile defense system. It is a defense system, not an offensive system. It is called the Iron Dome for short-range threats, the David's Sling for medium- to long-range threats, and the Arrow for long-range ballistic missiles.

But as we know, national security comes at a heavy cost. Israel has a higher ratio of defense spending to gross domestic product and spends more on defense as a percentage of its budget than any developed country. Israel should not bear these costs single-handedly.

Madam Speaker, when Hamas and Hezbollah, backed by Iran and Syria, threaten Israel, they also are threatening us, and we need to respond accordingly. What we should do is stand with Israel just as Israel stands with us, and we should continue to provide Israel with the support it needs to defend itself by addressing and stopping the comprehensive threat posed not only by Hamas and Hezbollah, but their state sponsors, specifically Iran and Syria.

That is why I strongly support H.R. 5327, the United States-Israel Rocket Missile Defense Cooperation and Support Act, which authorizes the United States to support Israel with the procurement, maintenance, and sustainment of the Iron Dome system.

I would like to thank my distinguished gentleman from Virginia (Mr. NYE) and the ranking member of our Foreign Affairs Committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and Mr. TURNER from Ohio for sponsoring this vital legislation. I urge my colleagues to pass this legislation and make the message clear: the United States will stand with Israel and our other allies, and we will stand against our mutual enemies, no matter the cost.

I reserve the balance of my time.

Mr. MCMAHON. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. NYE).

Mr. NYE. Madam Speaker, I rise today to reaffirm and strengthen the U.S.-Israeli bond in mutual defense and security by introducing H.R. 5327, the United States-Israel Missile Defense Cooperation and Support Act.

The relationship between our countries is unlike any found in the world, and our friendship gives both Israel and the United States peace of mind in knowing that we will always support one another's security.

A safe homeland begins abroad, and Israel has long been central to that security. For instance, it is because of Israel's strength and cooperation that the U.S. no longer has to constantly keep a carrier strike group in the Mediterranean, allowing us to use our forces more judiciously.

I am proud to introduce this legislation which is supported by the President's recent decision to provide funding to support Israel's deployment of the Iron Dome missile defense system. The Iron Dome system will help protect Israeli citizens living in cities like Sderot who have been terrorized by over 8,000 indiscriminate rocket and mortar attacks on their homes, schools, and communities. The funds authorized by this bill will allow Israel to build two Iron Dome batteries which will be deployed in the southern and northern areas of the country as needed. Israeli defense officials estimate that Iron Dome could be deployed and functional this year.

Lasting peace between the Israelis and Palestinians requires that Israel can ensure the safety of its population against missile threats. Therefore, U.S.-Israel cooperation on the Iron Dome system will help advance the cause of peace by supporting Israel's ability to defend itself against terrorist attacks. Cooperation on important technologies such as Iron Dome proves that the U.S.-Israeli security cooperation is stronger than ever and is also beneficial to both nations as we continue to collaborate to develop our most sensitive defense technologies.

Congress stands shoulder to shoulder with Israel in their quest for peace and the right to live free from terrorism. This legislation is a tribute to America's commitment to Israel's defense and to the President's continued and expanding support for Israel's security.

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

Mr. MCMAHON. Madam Speaker, I yield an additional 15 seconds to the gentleman from Virginia (Mr. NYE).

Mr. NYE. I would like to thank Chairman BERMAN, Ranking Member ROS-LEHTINEN, Ms. GIFFORDS, Mr. MCMAHON, Mr. HIMES, Mr. ACKERMAN, Ms. KOSMAS, Mr. BISHOP, and Mr. TURNER for their support of this crucial legislation as original cosponsors, and I urge my colleagues to support this measure.

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

Mr. MCMAHON. Madam Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the Permanent Select Committee on Intelligence.

Ms. SCHAKOWSKY. Madam Speaker, I rise in support of the U.S.-Israel Missile Defense Cooperation and Support Act.

Too many Israeli families live under the daily threat of rocket attacks from Hezbollah and Hamas. President Obama's decision to provide $205 million in support of the Iron Dome rocket defense system will help Israel defend its citizens against these deadly terrorist attacks.

I traveled to Israel last month, and I believe the status quo in the Middle East is unsustainable. Lasting peace between Israelis and Palestinians will only be possible if Israel can ensure the security of its population. And that is why U.S. support for defensive weapons systems like Iron Dome is so important. This legislation clearly demonstrates that the United States Congress and President Obama will not compromise when it comes to Israel's security. I am proud to support this legislation, and I want to thank its sponsors.

Mr. POE of Texas. I continue to reserve the balance of my time.

Mr. MCMAHON. Madam Speaker, I yield 1 minute to Representative MORAN from Virginia, a member of the Committee on Appropriations.

Mr. MORAN of Virginia. Madam Speaker, I rise in support of this bill of which I am also a cosponsor.

Last week, President Obama submitted a request to Congress to authorize funds for this important missile defense system which will shield Israeli civilians from indiscriminate short-range missile attacks. The bill is consistent with support of human rights for Palestinians in Gaza and the West Bank, and of efforts to enhance Israel's security and defense of her citizens from violent rocket and missile attacks.

This reflects the role that the United States can play in saving lives on both sides of the Israeli-Palestinian conflict; and if we can save lives and promote a sustainable peace, then we must play that role from both a moral as well as a geopolitical motivation because when people feel secure, they think differently than when they feel under siege. Their priorities change. And this missile defense system could be a game changer. It deserves our support.

Mr. POE of Texas. I continue to reserve.

Mr. MCMAHON. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. ROTHMAN), a member of the Appropriations Committee and its Subcommittee on Defense.

Mr. ROTHMAN of New Jersey. Madam Speaker, I thank the gentleman from Staten Island, Congressman NYE, and Congressman POE for your work on this important issue.

Madam Speaker, why is it important for the United States to defend the national security of the State of Israel? Well, it is important because the national security of the State of Israel is critically important to the national security of the United States of America.

How is that so? Well, we know first of all that the United States has been working with Israel and her technicians on improved missile defense technology. The Arrow missile system is a joint U.S.-Israel technological wonder that protects the United States and its forces around the world from incoming missilery from within zero to 600 miles. We know that the U.S. is working on a project with Israel called David's Sling, again a defensive system to protect U.S. forces and Israeli forces and people from rockets and mortars fired between 43 and 150 miles.

We are also working with the State of Israel, the United States is, on a very sophisticated anti-missile system called Arrow 3, which would allow us to defend against ICBMs fired as far as 1,200 miles away and get those missiles 1,200 miles away before they were over American soil or over our troops in the region or over our ally, the State of Israel.

So the money that we invest in missile defense with the State of Israel and having our scientists working jointly together is in the vital national security interest of the United States and in the vital national security interest of the State of Israel which provides Americans so many benefits, not just the benefits of supporting a fellow democracy and a nation who our Founders referred to as people deserving of the right to return to their natural homeland.

Israel has a strategic importance to the United States as well. It is located on the Mediterranean. It is located near the Red Sea. It is a bad neighborhood. A lot of the actors who would want to hurt Americans around the world and on U.S. soil are inspired, if not financed, from that region.

Israel has one of the world's greatest intelligence services. We Americans get day-to-day updates from that intelligence service which benefit us in our fight against terrorists who are trying to kill Americans around the world and on American soil.

And of course the money that we give Israel for its military acquisitions, 70 percent of the money is required to buy American-made munitions; American made.

Those are just some of the reasons. U.S. generals want Israel to have a missile defense system that will be able to be used to protect U.S. troops in the region as well as our ally, the State of Israel.

Also, as one of my colleagues mentioned earlier, we increase the chance for peace if potential adversaries know not only that we have a strong offensive power, but that we have a strong defense. So if they know that whatever they shoot at us won't land, won't blow up on us, and that we will then respond with overwhelming power and they haven't laid a glove on us, so to speak, then they will be deterred. They will say, gee, if I throw everything at them and it won't work because they are protected by this anti-missile system, and they will respond overwhelmingly, why the heck should we fire at them in the first place.

That is why a missile defense system for the United States has been so important. That's why a missile defense system for our number one strategic military ally in the region, the Jewish State of Israel, is so important for the United States. It will help protect Israel. It will help protect American troops in the region, and it will help reduce the chances of war if those who want to destroy Israel know Israel can survive an attack and then be ready with its own offensive response.

I thank the gentleman for offering this bill, and I urge all of my colleagues to support it as well.

Mr. POE of Texas. I continue to reserve the balance of my time.

Mr. MCMAHON. Madam Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), chairwoman of the Legislative Branch Subcommittee on Appropriations.

□ 1545

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today in support of H.R. 5327, the United States-Israel Rocket and Missile Defense Cooperation and Support Act. As a staunch supporter of the Jewish State of Israel, it gives me great pride to be a cosponsor of this resolution, which will provide Israel with the funding it needs to maintain the safety and security of her citizens.

By authorizing funds requested by President Obama for Israel's Iron Dome defense system, Congress and President Obama's message to the people of Israel is loud and clear: Our commitment to Israel's security is unshakable. And, through this funding that will help Israel produce and maintain an effective defense against short-range missiles, rockets, and mortars such as those used by Hamas and Hezbollah, we are backing up our words with action.

I urge my colleagues to vote ''yes'' on helping to maintain Israel's qualitative military edge and vote ''yes'' on H.R. 5327. And I commend my colleague, the gentleman from Virginia

(Mr. NYE) for his leadership on this very important issue.

Mr. POE of Texas. Madam Speaker, I continue to reserve.

Mr. MCMAHON. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER), the chairman of the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties.

Mr. NADLER of New York. Madam Speaker, we all hope for a peace agreement negotiated between Israel and the Palestinians. Such an agreement, providing for adequate security safeguards for Israel, would benefit the citizens of Israel and would benefit the Palestinians. It would also help stabilize the Middle East and would inure to the national security interests of the United States.

Every American administration for the last 40 years has recognized that prerequisite to the successful conclusion of any peace agreement is the maintenance of Israel's qualitative military superiority over any potential combination of state and nonstate aggressors. In recent years, unfortunately, we have permitted Israel's military superiority to lag, to begin to fall down.

I want to congratulate the administration, the Obama administration for recognizing this and, in the last year and a half, sharply stepping up U.S. military assistance and U.S. military cooperation with Israel.

Now we also face the threat from Iran and the threat of 40,000 rockets and missiles supplied by the Iranians in Lebanon in the possession of Hezbollah, which has said that it wants to kill every Jew. It would be nice if all the Jews moved to Israel so they could kill them with one swoop. And this accumulation of 40,000 rockets has been done in violation of U.N. Security Council Resolution 1701, which has not been enforced. So, hence, this bill.

This bill, which comes to us from the administration, to provide 200-and-some-odd million dollars for the Iron Dome antimissile system is another step in maintaining Israel's military superiority and in protecting Israel's citizens against possibly unprovoked aggression and is an absolute prerequisite if we hope to see any peaceful settlement in the Middle East.

I, therefore, congratulate the administration on taking this step and on the steps it has made to maintain Israel's military superiority. I thank the sponsors, and I urge the passage of this bill.

Mr. POE of Texas. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, the State of Israel, the nation of Israel, is not a big place. It's a little, bitty country. It's smaller than the State of New Jersey. From north to south, at the longest point, it's 200 miles. East to west, it's 75 miles. And ever since their existence, nations all around them have been wanting to destroy the nation of Israel.

Let there be no mistake about it, Madam Speaker. Israel is our ally. Israel has the absolute right of self-defense, to protect the dignity of its country and to protect its citizens. That is the first duty of every government and of every nation. This resolution helps Israel protect itself and its citizens.

Israel has the absolute right to exist. And it should be known to the world that we will stand with Israel to make sure they have the right to exist. Israel is saying to Hezbollah and Hamas, Syria, Iran, and even North Korea, Leave us alone. That is the right that Israel has, to be left alone in that region.

This resolution also says, Madam Speaker, and reaffirms a statement made 50 years ago by President John F. Kennedy when he made the comment in his inaugural address, and I quote, ''Let every nation know, whether it wishes us well or ill, that we will pay any price, bear any burden, meet any hardship, support any friend and oppose any foe to assure the survival and the success of liberty. This we pledge and much more.''

This resolution, Madam Speaker, reaffirms that commitment by President Kennedy over 50 years ago.

I yield back the balance of my time.

Mr. MCMAHON. Madam Speaker, I yield myself as much time as I shall consume.

Madam Speaker, I join in agreement with all the speakers who have spoken on this resolution, the importance of America's continuing friendship, support, and solidarity with the people of Israel.

Many speak about how this is an issue that is so important for America's national security, and that is true. I'm a New Yorker. You may have noticed that. I know with my accent I didn't have to say it. But I was also in New York on September 11, and like so many New Yorkers, we saw firsthand the threat of terrorism right at our doorstep; not just the threat, but the reality. And it's that threat and that reality that the people of Israel live with every day. They are on the front line. So, yes, it is in our national interest.

But it also speaks to the very morality and soul of our Nation that we stand by our friend, that we stand by our colleague in this world battle, and that is the nation of Israel. And so this bill is just one more step in that statement. It is important for America to do it because, if we didn't, then we would no longer be America.

Mr. MORAN of Kansas. Madam Speaker, the security of our ally Israel is threatened by the proliferation of rockets its enemies possess along its borders. In both the south and the north, millions of Israelis live within range of Hamas and Hizballah rockets.

In the last decade, more than 16,000 rockets and mortars have been launched over Gaza and Lebanese borders into Israel. These attacks have targeted and killed innocent civilians.

With the backing and support of Iran and Syria, Hizballah now has an arsenal of more than 42,000 short- and long-range rockets, which are aimed at Israel. This number of rockets is more than three times larger than what Hizballah had prior to the 2006 war with Israel. U.S. Secretary of Defense Robert Gates has warned that Hizballah's ''arsenal of rockets and missiles now dwarfs the inventory of many nation-states.''

The ability of Hamas and Hizballah to launch attacks on Israeli civilians is a threat to Israel's security that must be countered. To protect its people, Israel developed Iron Dome, a short-range rocket defense system that will protect civilians living near Israel's border. H.R. 5327, the United States-Israel Missile Defense Cooperation and Support Act, authorizes U.S. assistance to help Israel speed up production and deployment of this rocket defense system so that more Israelis are protected from the indiscriminate attacks of its enemies.

But this legislation does more than improve Israeli security; it also enhances the security of the U.S. The missile defense technology being developed in cooperation with the U.S. will help us better defend ourselves, and may one day help protect U.S. military bases in the Middle East.

I support the legislation before us and urge my colleagues to vote in favor of this legislation that will help Israel maintain its qualitative military edge.

Mr. MCMAHON. Madam Speaker, at this time I have no further requests for time, and therefore, I yield the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCMAHON) that the House suspend the rules and pass the bill, H.R. 5327, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCMAHON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION GRANTING AUTHORITY TO COMMITTEE ON EDUCATION AND LABOR FOR PURPOSES OF ITS INVESTIGATION INTO UNDERGROUND COAL MINING SAFETY

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111–487) on the resolution (H. Res. 1363) granting the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives to the Committee on Education and Labor for purposes of its investigation into underground coal mining safety, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5099, by the yeas and nays;

House Resolution 403, by the yeas and nays;

House Resolution 1292, de novo; and

House Resolution 1364, de novo.

Remaining postponed votes will be taken later in the week.

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

MICHAEL C. ROTHBERG POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5099, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5099.

The vote was taken by electronic device, and there were—yeas 410, nays 1, not voting 19, as follows:

[Roll No. 280]

YEAS—410

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
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
Cao
Capito
Capps
Capuano
Cardoza
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)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
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
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
Hinojosa
Hirono
Hodes
Hoekstra
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
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
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
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—1

Young (AK)

NOT VOTING—19

Bachus
Barrett (SC)
Bilbray
Boozman
Cantor
Costa
Davis (AL)
Diaz-Balart, M.
Garamendi
Graves
Hinchey
Holden
Kirk
Lynch
McCarthy (CA)
Paul
Putnam
Souder
Wamp

□ 1625

Mr. MCHENRY changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL TEACHER DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 403, 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 Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 403, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 2, answered ''present'' 1, not voting 22, as follows:

[Roll No. 281]

YEAS—405

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
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
Cao
Capito
Capps
Capuano
Cardoza
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)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
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
Hinojosa
Hirono
Hodes
Hoekstra
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
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 (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—2

Flake
Young (AK)

ANSWERED ''PRESENT''—1

Bishop (UT)

NOT VOTING—22

Bachus
Barrett (SC)
Bilbray
Boozman
Cantor
Costa
Davis (AL)
Diaz-Balart, M.
Garamendi
Granger
Graves
Hinchey
Holden
Kirk
Lewis (CA)
McCaul
Meeks (NY)
Owens
Paul
Putnam
Souder
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1633

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.

CONGRATULATING EMPORIA STATE UNIVERSITY WOMEN'S BASKETBALL TEAM

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1292, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1292, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 1, answered ''present'' 1, not voting 21, as follows:

[Roll No. 282]

AYES—407

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
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
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
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)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
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
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
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
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)

Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—1

Young (AK)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—21

Bachus
Barrett (SC)
Bilbray
Boozman
Camp
Costa
Davis (AL)
Diaz-Balart, M.
Garamendi
Graves
Grijalva
Herger
Hinchey
Holden
Kirk
Paul
Putnam
Roe (TN)
Souder
Velázquez
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1641

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.

EXPRESSING CONDOLENCES FOR CHATHAM COUNTY COURTHOUSE FIRE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1364.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 1364.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 406, noes 1, not voting 23, as follows:

[Roll No. 283]

AYES—406

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boren
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
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
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
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
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—1

Young (AK)

NOT VOTING—23

Bachus
Barrett (SC)
Bilbray
Boozman
Boswell
Costa
Davis (AL)
Diaz-Balart, M.
Ellison
Garamendi
Gordon (TN)
Graves
Gutierrez
Hinchey
Holden
Kirk
Paul
Putnam
Rogers (MI)
Sarbanes
Souder
Velázquez
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1648

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZE ASSISTANCE TO ISRAEL FOR THE IRON DOME ANTI-MISSILE SUPPORT

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

Ms. ROS-LEHTINEN. Madam Speaker, I rise to emphasize my strong support for H.R. 5327, of which I am an original cosponsor. This vital legislation authorizes the support of the United States for Israel's Iron Dome system, designed to intercept short-range missiles and rockets fired by Hezbollah from Israel's north and Hamas from the south. Since the year 2000, Madam Speaker, these violent militant groups, sponsored by Iran and Syria, have fired thousands of missiles, rockets, and mortars against Israeli civilian targets. Hezbollah now has an arsenal that may include Scuds and other long-range weapons. Rockets also continue to be fired from Gaza, including over 200 since January of 2009, putting southern Israel under a state of siege.

Madam Speaker, Israel is developing a multilayered missile defense system, including the Iron Dome, to stop this threat. The U.S. must support our indispensable ally, Israel, in this and other efforts to secure her citizens.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. HALVORSON). Members are reminded to

refrain from trafficking the well while another Member is speaking.

STARTUP VISA AND EB–5 REFORM ACT

(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, I rise today to talk about the immigration opportunity for our country. Yes, not the immigration problem, but the immigration opportunity. Truly, the human potential and the human capital that wants to come to our shores and work hard and contribute to the productivity of our country is an important asset to our Nation. The countries with an immigration problem are, frankly, where the best and brightest are trying to leave to come to our country to work hard and create jobs for Americans.

One of the components of the House comprehensive immigration reform bill is my Startup Visa and EB–5 Reform Act that would make it easier for foreign investors and entrepreneurs to come start their business here in our country, guaranteeing that they create jobs for Americans. If we pass the EB–5 reforms as part of comprehensive immigration reform, it will create over 50,000 jobs for American citizens here. These are companies that otherwise will set up overseas in other countries. We're not letting them come here. Let's make our immigration system work for us. Let's create jobs for Americans here at home.

ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT ADMITS ISRAEL

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

Mr. MORAN of Kansas. Madam Speaker, the Organization for Economic Cooperation and Development unanimously voted to admit Israel last week as its newest member. The decision to welcome Israel into this group of 30-plus nations is significant recognition that Israel has much to offer the world and a setback to international efforts to delegitimize the Jewish State.

Israel is a democratic nation with an economy based on free market principles. It shares American goals of creating prosperity and new economic opportunities. Israel's high tech- and innovation-driven economy has been one of the world's strongest. It grew last year during the worldwide economic downturn and is expected to grow by 3.7 percent this year. As a member of OECD, Israel will offer an important perspective on global challenges and will help nations solve difficult problems. I congratulate Israel for overcoming unfounded objections to its membership and look forward to the contributions Israel will make to this international body.

DEFENSIVE MEDICINE

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, a reputable health firm did a survey that they announced this month. Jackson Healthcare in Atlanta, Georgia, surveyed 1,400 physicians on the practice of defensive medicine. Their survey found that the vast majority—83 percent—of physicians between ages 25 and 34 reported being taught to practice defensive medicine. The survey defined defensive medication as medically unnecessary tests and treatments physicians ordered to avoid lawsuits. Only 19 percent of physicians over 65 were taught defensive medicine in medical school or during their residencies.

The conclusion of the Jackson Healthcare survey was that defensive medicine is negatively impacting physicians and patients beyond just costs. It is limiting patient access and quality, slowing the adoption of medical innovations, and discouraging future generations from pursuing the practice of medicine.

Jackson CEO Richard Jackson said, ''The U.S. is the only major country in the world where physicians are personally financially liable for mistakes.'' He said, ''This is a systemic problem that needs to be addressed at State and national levels.'' Republicans proposed to do that with medical liability reform, but the new health care law did not address it. That is too bad for all of us.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MEXICO ABUSES IMMIGRANTS

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. Madam Speaker, Mexican President Felipe Calderon is at the White House today complaining about America. He said Arizona's new law ''opens the door to intolerance, hate, discrimination, and abuse in law enforcement.'' He said he will do everything in his power to protect the rights and dignity of Mexican citizens. He's just not too concerned about human rights abuses of illegals in his own country, however. While he's here falsely accusing officials in Arizona of perhaps maybe one day in the future violating the civil rights of illegals in Arizona, his own Mexican government officials are committing human rights abuses against illegals in Mexico. Just last month, the Associated Press said Amnesty International called the abuse of migrants in Mexico a major human rights crisis. Amnesty accused Mexican officials of turning a blind eye or even participating in the kidnapping, rape, and murder of migrants.

Now, the Mexican Interior Department said that mainly Central American migrants who pass through Mexico on their way to the United States suffer abuses, saying the criminal cartels branch out into kidnapping and extortion of migrants. Amnesty International said failure by authorities to tackle abuses has made their trip through Mexico one of the most dangerous in the world. They have ''virtually no access to justice, fearing reprisals and deportation if they complain of abuses.'' The Amnesty report also says Central American migrants are frequently pulled off of trains in Mexico and are kidnapped en masse and held at gang hideouts. They're forced to call relatives in the United States to pay the ransom to the kidnappers. There are thousands of these migrant kidnappings each year in Mexico, according to Amnesty's report.

□ 1700

The report goes on to say, ''Kidnappings of migrants—mainly for ransom—reached new heights in 2009. The National Human Rights Commission reported nearly 10,000 migrants in Mexico were abducted during a 6-month period.'' Half of the victims said in later interviews that public officials in Mexico were involved in the kidnappings. An estimated six out of 10 migrant women and girls experience sexual violence. Some of the people-smuggling coyotes now demand that women receive contraceptive injections ahead of the journey so they don't become pregnant as a result of rapes they endure in Mexico. Many women are raped, beaten or killed in the process of illegally transporting themselves through the nation of Mexico. Illegals in Mexico can't complain about the abuse to authorities.

According to the report, Article 67 of Mexico's Population Law says, ''Authorities, whether Federal, State or municipal, are required to demand that foreigners prove their legal presence in the country'' of Mexico. Now President Calderon self-righteously criticizes Arizona for enforcing immigration laws, but his own nation requires the states in Mexico to enforce Mexico's immigration laws.

The Amnesty report goes on to say and talk about an example of one of the horror stories of abuses of illegals that are in Mexico. On January 23 of this year, armed police stopped a freight train carrying 100 migrants in Chiapas State in southern Mexico. A girl who we'll call ''Veronica'' said that the federal police—the federal government—the federal police forced her and other illegals in Mexico to leave the train they were riding on. They were forced to lay down on the ground where she says Mexican federal police stole their belongings and threatened to kill

them unless they continued their journey by foot along the railway. After walking for hours, the group was assaulted by armed men who sexually assaulted Veronica and killed at least one of the other illegals in Mexico.

Now, Madam Speaker, it seems to me that President Calderon is here at the White House complaining about America, complaining about imagined and fictitious abuses in Arizona's new illegal immigration enforcement law, while he ignores actual human rights abuses of illegals and migrants in his home nation of Mexico. Perhaps he should clean his own glass house before throwing rocks at America, especially Arizona. President Calderon's nation is in economic turmoil. His economic plan is simple. He tells his citizens, Go to America by any means necessary, and send money back home to Mexico. He cannot take care of his citizens. His country abuses immigrants, and he is out of line criticizing the United States for any reason. His comments are hypocritical and irrelevant.

And that's just the way it is.

EARLY DETECTION MONTH

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Madam Speaker, I rise today in support of Early Detection Month for cancer. The House and Senate have concurred in a resolution that I introduced honoring Early Detection Month which is the current month, the month of May. Across the country, individuals and groups are organizing events to raise public awareness of cancer screening and early detection so that any person who gets cancer has a chance at survival. It is fitting that Mother's Day should be celebrated during Early Detection Month because our mothers, our sisters and our daughters are the victims of the second most common form of cancer, breast cancer. Just as it is for other forms of cancer, early detection is the key to reducing deaths from breast cancer.

The 1 in 8 Foundation is one of the leading groups working to fight against cancer, and it is solely focused on early detection. From its headquarters in Cary, North Carolina, Ken Vrana is working to make sure women and men across this country are aware of the difference that early detection can make in the course of cancer. The foundation is engaged in educating and motivating people to become more proactive about their health and live longer. In fact, the concurrent resolution that honors the efforts of Early Detection Month for breast cancer and all forms of cancer only came about because of Ken and the foundation's efforts.

I know personally the difference that early detection can make. Several years ago, I was diagnosed with melanoma. My cancer was found early because I saw my doctor regularly. I am living proof of the importance of early detection. As a cancer survivor myself, I want to enable all Americans to have the knowledge and access to care that early detection of cancer provides so that it can be treated, and cancer survivors can lead long and healthy lives.

Every year, almost 2 million Americans are diagnosed with cancer. Tragically, more than one-quarter of these cases result in death. Early detection can help patients get early treatment. It can stop the spread of the disease before it becomes untreatable or before it requires expensive medical treatment and can be the difference between life and death. Early detection saves tens of thousands of lives annually but also greatly reduces the financial strain on the government and private health care services.

For many common cancers, when the disease is caught early, nine out of 10 patients can be saved. Unfortunately, tens of thousands of people every year are diagnosed with advanced cancer, and all too often, they face painful treatments and poor chances of survival. Through forward-looking investment of taxpayer dollars, we have made great strides in cancer research, but treatment often needs to be provided early if we want cancer victims to become cancer survivors. Organizations like the 1 in 8 Foundation work tirelessly to promote early detection so that folks can do more than survive cancer; they can regain the full and active life they always enjoyed. Organizations like the 1 in 8 Foundation fights to make sure that Mother's Day is a happy day because moms get the caring treatment they need before it is too late.

Madam Speaker, early detection reduces the tragedy of cancer deaths in America. I urge my colleagues to join me in fighting cancer, a disease that has claimed so many lives, but with support for early detection, it can be beaten, and more people will survive.

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 gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN 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 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.)

WHERE'S THE BUDGET?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Madam Speaker, where is the budget? Congress is expected to agree on a budget for the upcoming fiscal year by April 15. The budget process at the beginning of each year sets the goals regarding total Federal spending for the year. It is the budget that sets the stage for how fiscally responsible government spending will be.

Since the passage of the Budget Act of 1974, the House of Representatives has never failed to pass an initial budget to set the spending priorities for the following fiscal year. Not this year. We are now a month past the deadline, and Speaker PELOSI and the Democratic leadership are showing no signs of complying with the law and coming forward with a budget for fiscal year 2011. In 2006, Congressman STENY HOYER, who is now the House majority leader, was quoted as saying, Enacting a budget was ''the most basic responsibility of governing,'' and Congressman JOHN SPRATT, who is now the chairman of the House Budget Committee said, ''If you can't budget, you can't govern.''

While I understand that the Congress has the power to name public buildings and post offices, I believe that setting a budget, allowing the government to live within its means, is more important than passing ceremonial resolutions. With total public debt rising to nearly $13 trillion, according to the Bureau of Public Debt, Congress' priority should remain focused on getting our fiscal house in order. Families and small businesses all across our Nation understand what it means to make tough decisions each day about what they can and cannot afford. They understand the importance of creating and living by a budget. Unfortunately, instead of making the tough choices necessary to reduce spending, the majority in Congress has decided to forgo a budget altogether. Just 4 years ago, the same leaders who are now shirking their responsibility and choosing to move forward without a budget were very clear on how important the budget process is to the operation of the Federal Government.

Madam Speaker, where's the budget? Without the passage of a Federal budget, the reckless spending that has run rampant in Congress will only continue. We have already seen the passage—without my support—of the so-called economic stimulus legislation which was supposed to put Americans back to work. Not only did the stimulus legislation fail to create jobs, but

it is now estimated to be costing American taxpayers over $1 trillion including interest. Not only should Congress produce a budget, but I am a strong supporter of several measures that promote the establishment of a balanced budget and the elimination of wasteful government programs, including a constitutional amendment that I introduced which requires the Federal Government to balance its budget. Congress must steadfastly hold the line on government spending, which is why I have consistently voted for the tightest budgets offered each year. But maybe not this year. No budget is offered.

As elected officials and stewards of the taxpayers' money, we have a responsibility to put together a sustainable budget and stick to it. The Congress must continue to work to rein in spending and put to practice a spending approach that many Americans already live by: If you don't have it, don't spend it.

Madam Speaker, where's the budget?

1,000 AMERICANS DEAD IN AFGHANISTAN IS FAR TOO MANY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, on Tuesday, a suicide bomber deliberately crashed his minivan on a street in Kabul during one of the busiest times of the day. According to The New York Times account, and I quote them, ''The blast blew bodies apart. Limbs and entrails flew hundreds of feet, littering yards and walls and streets. In a passenger bus, an Afghan woman lay dead in her seat, cut in half, with her baby still squirming in her arms. Fifty yards away, a man's head lay on the hood of a truck.'' It was the most devastating strike seen in the Afghan capital in some time, Madam Speaker. It served as a kind of ''welcome home'' from the insurgents to President Karzai, just returning home from his visit to the United States, who was getting ready to brief reporters at the Presidential palace, just a short distance away from the site of the explosion.

Aside from the gruesome civilian casualties, this attack is also significant because it claimed the lives of five of our soldiers, which brings the total number of U.S. troop fatalities in the war in Afghanistan to over 1,000. This tragic milestone should fill us with horror, Madam Speaker. It should keep every one of us awake at night.

For years, the failure to make progress in Afghanistan flew under the radar as the war in Iraq grabbed most of the attention and headlines. But more than 100 months into the Afghanistan conflict, the mission is clearly floundering. More than half of those 1,000 deaths have occurred just since September of 2008. The decision to send more troops has only intensified the violence and emboldened the militants, doing nothing to bring lasting stability to Afghanistan and to its people.

This war has not accomplished any of its stated goals. Here we are, 8½ years after we supposedly drove out the Taliban, and lo and behold, the Taliban is resurgent, poised to fill the power vacuum in districts and villages where we've done nothing to build strong and legitimate governing institutions. Remember the reportedly successful military offensive over the winter in Marja? A few months later, it turns out, the residents are fleeing in droves because the Taliban has reasserted itself. One U.S. official now calls Marja ''a work in progress but not trending in the right direction.'' And this is one of the places where we had declared victory.

We have been patient, Madam Speaker. We have given the strategy a chance to work. It failed. It has failed at nearly every turn, and 1,000 deaths is far too many. Before the number grows, let's bring our troops home.

□ 1715

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois 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 Colorado (Mr. POLIS) is recognized for 5 minutes.

(Mr. POLIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICA'S FAILED TRADE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, how many millions more jobs have to be outsourced before Washington wakes up? The U.S. Chamber of Commerce this week released a report claiming that U.S. trade agreements have support 5.4 million jobs. More than 90 percent of the jobs, according to the Chamber, can be attributed to NAFTA and our NAFTA trading partners, Mexico and Canada. Are we talking about the same country in the same continent?

In the United States I know and the district I return to every weekend, the battering effects of NAFTA and NAFTA-like trade agreements are still being felt: lost jobs, shuttered factories, and beleaguered communities. I can't help but wonder if the Chamber of Commerce is some sort of cruel joke: 5.4 million jobs? No way. Try 1 million jobs lost due to NAFTA. Try 2 million manufacturing jobs lost because of all of the off-shoring that has gone on in this country in the last quarter century. Or how about 12,000 to 20,000 service-sector jobs lost every month, many of which have simply been outsourced overseas.

In Ohio, employment just in the manufacturing sector has declined by a third. Companies like Silgan Holdings, Delphi, Georgia Pacific, General Motors, Dixon Ticonderoga, Champion Spark Plug, all have moved to Mexico. Things are not much better in Mexico. By the 10th anniversary of NAFTA, The Washington Post reported that 19 million more Mexicans were living in poverty than 20 years ago; 2 million peasant farmers alone were dispossessed from their land with no adjustment inside that country. So guess what they are doing. They are seeking to live anywhere, including crossing our border because they simply have no other choice. NAFTA didn't take care of them in their home country.

Now over half of the Mexican population is considered poor, while one in four is considered extremely poor and unable to even afford adequate food. The illegal drug trade has swept across that country and locked in fully at our border and across our country. Remember when NAFTA was held out as the ticket to the promised land with millions of new jobs and a rising standard of living? Right here in this very Chamber, Members voted to outsource America's job to a low-wage country with a state-managed economy.

Ross Perot was right: NAFTA has been a giant sucking sound of jobs leaving our country, leaving us behind with a NAFTA trade deficit of over $1.3 trillion since 1994. The deficits from NAFTA and NAFTA-like trade agreements have caused the great manufacturing that our Nation knew to wither as we saw our companies compete against state-managed capitalism in places like Mexico, China, Japan and so many others. Trade deficits are at the heart of our economic challenge. They destroyed jobs, millions and millions and millions of good jobs. We will never get our economy out of the ditch without fundamental changes in our trade policy.

When trade accounts began their downward spiral, America's economy started to deteriorate. Do you remember the last time we had a balanced trade account? It was 1974 when we had a thriving middle class.

Is it any wonder that our Nation is paying the price of economic policies that led to the current deep recession that Brad DeLong estimates has put a third of our Nation in depression. This was no accident. It is the direct result of over a quarter century of outsourcing U.S. jobs to penny-wage environments and of allowing other nations to keep their markets closed through managed trade practices, substandard environmental systems, and many undemocratic political systems able to exploit their workforces for the benefit of a few owners.

In essence, our market capitalism is forced to compete with state-managed

capitalism. From Mexico to China to Japan, it is just not a fair fight. These unfair trade agreements have been draining the economic lifeblood of our Nation, and every single American knows it to be true. Free trade among free people should be a bedrock principle on which any trade policy is based. And without it, our workers and companies stand no chance.

It is time to wake up, stand up for this country, and renegotiate those trade agreements that keep moving jobs offshore and take more and more and more of our jobs every single year. The same countries block access of our goods into those countries. It hurts our workers, it hurts our communities, and it has hurt this country deeply.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WHERE'S THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. BROUN) is recognized for 60 minutes as the designee of the minority leader.

Mr. BROUN of Georgia. Madam Speaker, during the 5-minute speeches just a few minutes ago, the gentleman from Virginia (Mr. GOODLATTE) was showing all of us this poster that he graciously made up: Where's the budget? That is what we will be talking about tonight because we have seen in this Congress this year that the leadership of the Congress is failing its responsibility, failing its duty, failing to bring us a budget.

Now, we saw the President put together a budget that he presented to Congress several months ago. We will talk about that a little bit. But under the Constitution of the United States—and I carry a copy in my pocket because I believe in this document as it was intended by the Founders, the people who wrote this document. One of the prime responsibilities of Congress is to pass a budget. From the original intent of our Constitution and what it says in the Constitution, the Congress should be making the budget, not the President.

Article I lays out all of the premises of the Congress of the United States. Section 1 says all legislative powers herein granted shall be vested in a Congress of the United States, which shall consistent of a Senate and House of Representatives.

Section 2 goes on and talks about how the House is made up.

Section 3 is about the Senate.

Section 4 talks about the times and places and manner of holding elections for the same.

Section 7 starts off: All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills. That is the first sentence of article I, section 7.

So all bills for raising revenue should start in the House. All budgets should be started in the House. And that's what our Founding Fathers meant to happen.

Section 8 lists the 18 things that Congress can pass laws about. There are only 18, folks. Obviously, we are passing laws about many more things than 18. In fact, in this little booklet, the Constitution of the United States, article I, section 8, starts right here and it goes to right here. It is one and three-quarter pages. That's all Congress has the constitutional authority to pass laws about.

And the 10th Amendment of the Constitution, the Bill of Rights, says, and I want to read it to get it very clear so the American people can understand. It is basically one sentence. It says: 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.

In other words, Congress is only supposed to be doing the 18 things in article I, section 8. We specifically have enumerated powers. That is what limited government is supposed to be all about. It is supposed to be enumerated powers that we are given by the people. The Constitution starts off with very three powerful words: we the people. ''We the people'' is the most powerful political force in this country under our Constitution.

But ''we the people'' is not acting as strongly as it should have been. And one of the things that Congress is supposed to be doing is passing a budget. In fact, families all over this country, State and local governments all over this country, pass a budget. If we don't have a budget, how do we know how to set out bills proposing revenue? How do we know how to spend the money, the taxpayers' money that we take from them through taxes?

Madam Speaker, we are doing a lot of things here in Congress that we shouldn't be doing. But one thing that we should be doing is passing a budget. It is critical. Mr. GOODLATTE said during his 5-minute speech that he has introduced a balanced budget amendment to the Constitution. I have done the same. Mine is a little different. There are three balanced budget amendments that Republicans have introduced. But how can we balance the budget if we don't have a budget? I believe very firmly that the Federal Government should not be spending any more money than it takes in year to year. We should be balancing our budget.

My State of Georgia has to live under a balanced budget. In fact, the general assembly just dismissed a couple of weeks ago because they were desperately trying to balance their budget, which they eventually did, in this economic downturn. They were having tremendous struggles about how to cut the size of State government in the State of Georgia.

But the Federal Government should be doing the same, and the American people need to demand a balanced budget. Republicans are going to be offering a balanced budget. We have done it over and over again. In 1995, a balanced budget amendment to the Constitution passed the U.S. House of Representatives. It lacked one Republican vote in the U.S. Senate from being law today. Unfortunately, we could not get one Republican more to vote for a balanced budget amendment. We wouldn't be spending our grandchildren's future, as we are doing today. The outrageous spending that Congress is doing has to stop. The American people need to demand a balanced budget, but we need to demand from our elected representatives a budget.

It puzzles me why almost at the end of May, Congress still has not enacted a budget resolution and has totally disregarded the April 15 deadline. The deadline. We have missed that deadline, as we miss a lot of things around here.

But we have seen over and over again big bills, big spending bills, a stimulus bill that has been an abject failure. It has stimulated government; it has not stimulated jobs in the private sector but very minimally. Most of those are temporary jobs. We see unemployment recently was reported at 9.9 percent; but that doesn't tell the whole story. Over 50 million people, workers in America, are out of work today. We have had a rise in the unemployment rate, but the 9.9 percent does not tell the true story.

I was talking to one of the county commission chairmen in my district just a few weeks ago. And he said: PAUL, in our county the unemployment rate today is 10.7 percent; and 1 year ago it was 14.3 percent.

I said: Man, that is great. Where did the jobs come from? Where did you create all of the jobs in this county?

He said: PAUL, sadly, there are no jobs. We have not created new jobs here. People have just fallen off the rolls. They have gotten discouraged and are not on the unemployment rolls any more. In Georgia, we have furloughed teachers. At the University of Georgia that I represent in Athens, Georgia, we have furloughed a lot of the employees of the university. Teachers all across the State of Georgia are going to be put out of work because the State of Georgia just does not have the money in this economic downturn to continue to hire and continue to employ the teachers that we so desperately need.

□ 1730

We just had a resolution that we all voted on, almost unanimously, to honor teachers. Teachers hold the future of our Nation, because what they teach our children is critical for the

safety and prosperity of America. Teachers are being put out of work in Georgia, but they're being put out of work all over this country. We have too many people in the administration in the school system. Unfortunately, teachers are losing their jobs and administrators are keeping their jobs.

But we absolutely have to have a budget. We absolutely must have something, a framework of how Congress is going to spend the taxpayers' hard-earned money. And Congress is ignoring the immediate budget picture. But we've also punted the long-term budgeting decisions to a deficit commission that is structured to avoid transparency and accountability. And it looks like we're not going to pass a budget resolution here in the House nor in the Senate. We may not even pass any appropriations bill.

But tonight we're asking, Where is the budget? It's nowhere to be found. I've been just joined by my good friend, Congressman JIM JORDAN, who is very much part of the Budget Committee and has been a stalwart in fighting for a budget that makes sense and informing Members, on our side at least, about the budget and what's going on. And he's here joining us, and hopefully we'll have some other Members.

I see MARSHA BLACKBURN, a stalwart conservative Congresswoman from Tennessee, from Nashville, a good friend, has joined us, and I appreciate you all joining us here tonight.

And so I want to yield time to Mr. JORDAN. And tell us about the budget. Where is the budget?

Mr. JORDAN of Ohio. Where is the budget?

I thank the gentleman for yielding, thank him for taking the time to do this Special Order this evening on a critical, critical issue.

You know, April 15, by law, the Congress is supposed to have a budget resolution in place. We're supposed to have a document that actually places the parameters, sets the framework for all the spending that the Federal Government plans to do. And yet, here we are, 5 weeks later, still no budget. And, frankly, all the talk from the Democrats in Congress is that they're not going to do a budget resolution.

Look, families have to do a budget. Small business owners have to do a budget. Local school boards do a budget. Village councils do a budget. Mayors and city councils, States, everyone has to do a budget. But somehow the Federal Government, the biggest spender of money in the world, is not going to put a plan together.

Who'd have ever thought we'd see this day? I mean, think about this past year. Who would have ever imagined we'd see the things that we have witnessed from this Congress? Talk about a VAT tax, talk about a—you know, a $1.4 trillion deficit. Did you ever think we'd see that in America, a $12 trillion national debt?

And again, the talk of not even putting a budget together.

Look, when the President—part of the reason I think the Democrats don't want to actually do that document and show the American people where they plan on spending their money is because the budget we got from the White House was so ridiculous. The budget from the White House that the President sent to Congress, sent to the Budget Committee, we heard testimony from the various Federal agencies. The budget they sent, by Budget Director Orszag's own testimony, was unsustainable because it ran deficits anywhere from 7 to 10 percent of GDP each and every year of the 9-year budget window. And so it's no wonder they don't want to deal with that document. It's no wonder they don't want to put together their own budget.

But, frankly, you shouldn't be able to take a pass. Families, taxpayers, business owners out there, they don't get to take a pass. They have to put their budget together, and the Federal Government should do no less.

You know, last year the RSC offered a balanced budget, a budget that actually got to balance. We're working on that document again. We plan to bring it forward. We plan to lay out there what a balanced budget looks like, what fiscal responsibility looks like. We plan to do what families and small business owners have to do.

So it's a troublesome day. It's a sad day today when we have here the Congress of the United States not doing their responsibility and not putting together a budget document.

I yield back.

Mr. BROUN of Georgia. Reclaiming my time, Mr. JORDAN, you're exactly right. And I'd like for you to talk about the Republican balanced budget that we introduced last year and again you're working on it this year.

But you brought up the President's budget. TODD AKIN, our colleague from Missouri, was very generous to loan me this chart. This is about the President's proposed budget that he gave us. We don't have a House budget. We may not get a Senate budget.

This pie chart, I just want to pay attention to two figures. Total receipts proposed, $2.56 trillion. Total outlays, $3.834 trillion. Now, $1 trillion is a lot. People can't get their arms around or mind around what's $1 trillion. But if you subtract 2.5, in receipts, plus change from 3.8 plus change, you see we have a big budget deficit that's been proposed by this administration. This is actually unsustainable.

I've heard our colleagues on the other side talk over and over again about the deficit that was created by George Bush. And, in fact, all I hear from our colleagues over and over again is about the deficit, and they're still blaming the Bush administration.

Well, I've not been a great fan of the budget deficits that the Bush administration put forward, but if we look at this chart, these are the deficits under the Democratic budgets. This is in billions of dollars. We see in blue the deficits, 2004, 5, 6, 7, that were under the Bush administration. We did have budget deficits, and that was wrong, absolutely wrong. The Federal Government should live within the means that it has. But look at this paltry amount compared to the budgets that have been proposed by this administration and others.

And you hear over and over again the Obama budget—of course, this goes out from 2011 to 2020. These are the proposed budget deficits that the Obama administration has proposed in his budget. Huge, compared to the budget deficits that were actual under the Bush administration. We shouldn't even have had those. We should have been living under a balanced budget since 1995. And I blame the Bush administration and the Republican Congress for—control of Congress for these budgets. But this graph right here was when Nancy PELOSI took over as Speaker of the House. We've got to stop this outrageous spending.

I want to yield to my good friend MARSHA BLACKBURN from Nashville, Tennessee, who represents a huge swath through the middle of Tennessee, and she's a great warrior on this issue. And I want to welcome you, Mrs. BLACKBURN.

Mrs. BLACKBURN. Thank you, and I want to thank the gentleman for yielding.

And my wonderful district that goes from Memphis to Nashville and all the way to the Kentucky border, of course, right now we're fighting floods, and so many of our residents have been, are suffering the adverse effects of all of those floods. And we remember them every day and want to let them know that we're thinking about them.

I'm glad that we're talking about the budget issue because budgets are to lay out the priorities of the Federal Government, and they're to define for our taxpayers and our constituents where this money is going to be spent. And as the gentleman just said, it is our responsibility. This is supposed to be done. Congress is charged with having control of the purse of the Federal Government, and we are to do this, as the gentleman said, by April 15 every year.

Now, what some of my constituents are asking me, as we talk about fiscal responsibility, is: Why aren't they doing a budget this year? What are they afraid of? And what is the reason that they would choose not to do a budget?

Because budgets are to outline those priorities, and they're to be a roadmap. And you know what is so interesting is so many of our constituents like following the budget process. When we send that link to the President's budget, when we send that link through our Blackburn Report to the budget document that the House has under consideration, they follow it, and they like to see where their taxpayer dollars are being spent.

I had one constituent who said, you know, I think this is so disrespectful of

the American taxpayer that they would, in their arrogance, say, Trust us. We don't have to do a budget document. Just trust us. We're going to keep spending. We're not going to curtail our spending. Just trust us.

And the American people are listening to that, and they're saying, You've got to be kidding.

As Mr. JORDAN said, you know, families do this, small businesses, everybody's been tightening their belts. Our colleges, our universities, our counties and our cities, they're all doing their budget hearings right now, and they're perplexed that Congress would consider moving forward.

Now, the gentleman from Georgia talked a little bit about past spending. And I think as we talk about deficits and the debt, that the gentleman from Georgia and I probably agree that—and I know I certainly talked with President Bush and I think he did, too, many times. I felt that President Bush spent too much.

CBO says when you look at the years of Republican control from 1994 to 2006, our average annual deficit was about $104 billion per year. And then you go in, and the gentleman has the chart that shows what happened when there was Democrat control of Congress, the 3 years that they have had it, 2007, 2008, 2009.

Well, our $104 billion a year deficit, which was way too much—we should never have a deficit, or it should only be in extenuating circumstances. We all support a balanced budget. We support a balanced budget amendment. We support bringing that in, like the RSC did last year, having a balanced budget.

But when you look at the fact that $104 billion, as opposed to $1.11 trillion, which has been their average annual deficit, it causes people to say, My goodness. You mean our average annual deficit has become their monthly deficit?

Mr. BROUN of Georgia. Say that again so the people who are listening can understand that, if you would, please, won't you.

Mrs. BLACKBURN. Our average, under Republican control, the average annual deficit has become what now, under Democrat control, they are running in deficit averaging on a month. And I think that's what causes concern to people.

April, the deficit was four times what it was last year. These are numbers that cause people to say, Wait a minute. We have to put the brakes on. We are on the wrong track, and it is time for Washington to get its fiscal house in order.

You know, one of the things that I will ask when someone says, Well, we need to be spending more on this and we need to be spending more on that; people need to be paying more in taxes so that the Federal Government can spend more, is, Well, how much is enough when it comes to taxes? How much is ever going to be enough? How much spending is ever going to be enough?

And those are questions that, when you stop and think about it, is there ever going to be a time when those that want to spend taxpayer money get enough?

I think we would all agree, Washington does not have a revenue problem. Washington has a spending problem. And the way we begin to get the spending under control is to have a budget that is going to spend less. That is going to be the first step.

Now, the gentleman from Georgia had the charts, and he was talking about an estimated, I think it's $2.3 trillion in revenues and the $3.8 trillion in outlays, and that was the budget that the President had proposed.

And I ask the gentleman, do I have my figures correct? $2.3 trillion and change for the revenues and $3.8 trillion and change for the expenditures?

□ 1745

Mr. BROUN of Georgia. According to this chart, you are close; it is $2.567 trillion in revenues, and then $3.834 trillion in outlays.

I yield back.

Mrs. BLACKBURN. I thank the gentleman for yielding.

We know that since the time that that budget was presented to us we have passed a health care bill. And we know that last week even CBO came back and said guess what, we misfigured. We are going to change these projections. So already those expenditure and outlay projections are off because we have the trillion dollar-plus health care bill that we are going to be looking at.

That is something that certainly is on the minds of the taxpayers. They want to see the out of control spending stop. And I think that they are sending a message loud and clear. The focus should be on the economy. It should be on jobs. Constituents every day are saying, Where are the jobs? You have stimulated big government, but you haven't stimulated Main Street. Where are the jobs? And they are focused on the out of control spending from Washington on programs they do not want. And they know that not only they the taxpayer, we the people cannot afford, but the Federal Government cannot afford to be spending our money on those programs.

I yield back.

Mr. BROUN of Georgia. Thank you, Ms. BLACKBURN.

You are exactly right. Not only did we have the health care bill that was passed by this House, passed by the Senate first and then came over here, not one Republican voted for that bill. We just heard from CBO just this last week I think it was when they said, Oops, we made a mistake. It's going to cost at least $115 billion more than we first estimated. One hundred fifteen billion dollars more. That's not a paltry sum. And actually, it's going to still continue to climb. I think that the government takeover of health care is going to be an even bigger bill.

We saw Congress pass a nonstimulus bill, which is what I called it at the time. That's been an abject failure. That's another trillion dollars that we don't have the money. We have seen bill after bill come to the floor of the House passed by the Democratic leadership, forced down the throats of the American people, with just outrageous spending of money that we just do not have. That's the bottom line. We have got to stop the spending, this outrageous spending. We need to have a budget. The Federal Government needs to live within its budget, period.

Mr. JORDAN, I yield to you.

Mr. JORDAN of Ohio. I thank the gentleman for yielding.

I just want to pick up where the gentlelady from Tennessee was talking about. She says it's irresponsible not to do a budget. It most certainly is. Thirty-four days and counting. April 15, here we are May 19, 34 days the Federal Government hasn't done what the law tells us we are supposed to do in putting a budget resolution together. It is irresponsible, it is arrogant.

It is arrogant to not go through the markup, not have the debate, not have the hearings, not put that out there so the American taxpayer, the American family, the American small business owner can see how in fact this government plans in fact to spend their money.

But it is not just irresponsible, it is not just arrogant, it is immoral to do what this government is doing. It is just plain wrong to tell future generations of Americans, to tell our children and our grandchildren you are going to have to deal with a $12 trillion debt and counting and growing. You are going to have to pay that back. That is just plain wrong.

I mean one of the things that makes our country so special, one of the things that makes America the greatest Nation ever is the simple concept that parents make sacrifices for their children so that when they become adults they have life better than we did. And then they in turn do it for their kids, and each generation has done it for the next, and we get to be America, the greatest Nation ever, the highest standard of living in human history. And now for the first time we have the political class in this town telling the next generation, telling future generations, You know what, we are going to live for the now, we are going to spend for the moment, we are going to live for the moment, and we are going to send the bill to you.

It's not just arrogant and irresponsible; it is wrong. It is just plain wrong. This money has to be paid back. Way back in one of my first economics classes in college we learned a simple thing: There is no free lunch. You have to pay it back. Somebody's got to pay this back. And it shouldn't be put on the backs of our kids and our grandkids.

Think about where we are at today. And as we talked about the budget that the Democrats are proposing, the budget that the President sent to Capitol Hill makes matters worse. But where we are at today, we have to pay this year $200 billion just in interest on the debt. Within a couple years the interest payments alone will be a billion dollars a day. So it is not just arrogant and irresponsible, it is immoral. It is just plain wrong to do this.

That's why, because they are addicted to spending, they don't want to actually make cuts like we do in our budget. That's why they don't want to do this process. That's why they don't want to have a budget. And it is just, as I said, it is just plain wrong. And I appreciate the gentleman taking this hour to talk about this most fundamental issue, this most basic issue, and let people understand what in fact is really going on with their government today.

With that I would yield back.

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

I agree with STENY HOYER, the majority leader for the Democratic Party here in the House. When he was talking about passing a final budget and a spending blueprint, he said this, quote: ''It is the most basic responsibility of governing.'' The Democratic leader, STENY HOYER, said passing a final budget and a spending blueprint is the most basic responsibility of governing. They are not governing. They are not doing what they should.

It is also real interesting to me, in 2006 the House Budget Committee chairman, JOHN SPRATT, said, quote, ''If you can't budget, you cannot govern.'' ''If you can't budget, you cannot govern.'' Quote and unquote. JOHN SPRATT, the Democratic chairman of the House Budget Committee. They are not governing. They are being irresponsible. The American public deserve better.

We have been joined tonight also by my good friend from Texas who has been an individual that has spent many hours, as I have, here on the floor talking about the ObamaCare bill and about ethics in governing. We are very honored to have Judge JOHN CARTER from Texas.

I yield to you.

Mr. CARTER. I thank my friend for yielding.

You know, some of the Members of this august body that are living just a normal life, they ought to be looking at this, and folks back home ought to be looking at this and thinking how can you spend all that money without having a budget? And then they think about what kind of a great deal would it be at my house if I could just say, you know what, kids, mom, I tell you what, let's do, let's just do whatever makes us happy. Let's pick up all the pet projects in the world that we favor and let's just spend our money on that. Let's go out and buy the things we want to buy. Let's go places we want to go and do things we want to do. And just throw that budget that we used to have, throw it in the trash, and this year let's don't budget. Let's spend the money. And hey, mom, I don't want you to worry that we don't have a budget because we don't need a budget. Hey, we will borrow the money to pay these bills. That's no problem. And if we can't get somebody to loan us the money here, we will go to China and get the people in China to loan us the money to pay these bills, and we will be fine.

And oh, you are worried about paying it back? Hey, let the grandkids pay it back. You know, they are going to have a good life. Surely they are going to have a good life. And they don't need as good as we got. So let's let them pay it back, and let's put it on their shoulders. And if they are smart, they will figure out a way to stick it down on their grandkids' shoulders. And we will just keep this runaway spending going forever.

I don't think that most people would see that as a way to run your household. Or the businessmen that are sitting down at the board meeting, and they are saying, you know, we had a budget last year, but this year let's throw that budget out and let's just do what we think is going to make us do well this year for ourselves personally, and let's don't worry about what's going to happen in the future because we will borrow the money from China, and then we will put it down the road, far enough down the road that we will get other people's grandkids to pay for it.

That doesn't make sense. And it doesn't make sense to the American people. It means that you are just—and you know, I get really excited when I hear like I heard the other night, when I heard some of my colleagues from the other side over here talking about what a wonderful job they had done, and they talked about PAYGO. PAYGO has saved the world. My gosh, we have just absolutely saved the world with PAYGO because we are paying for what we are spending unless it's an emergency. And so far everything we have done we have declared an emergency on. So, well, we didn't quite get PAYGO done, but that's okay, we believe in it. And it's something we believe in.

What we are hearing from folks back home is, hey, times are tough. We need jobs, and you are doing your little pet projects down there, and you are spending this money that we are never going to be able to pay back, or we are afraid we will never be able to pay back, and we don't want to be Greece. You know, poor Greece. Right now they are kind of the poster child for what happens when you don't pay your bills.

Well, if you crunch the numbers and we continue down the road that the Obama administration is taking this country, at the rate of acceleration of deficit spending that the Obama administration has given us, and by the way last night there were some charts put up there and just conveniently the deficit numbers on those charts stopped at the end of the Bush administration, so we didn't get to see that other line that the Obama administration put on there that drops clear off the charts. There you go. That one didn't happen to be on the charts when we were told the figures never lie. So it stopped right there at 2007. Let's look at it.

Mr. BROUN of Georgia. Let me reclaim my time and just explain this chart.

Mr. CARTER. Because their chart would have been upside down because it was below the line.

Mr. BROUN of Georgia. We can turn it upside down.

Mr. CARTER. That's the way it ought to be. Turn it upside down.

Mr. BROUN of Georgia. We will turn it upside down. And then we will be coming from the right to the left.

Mr. CARTER. And we got to see last night all those Bush blue lines. And we did get to see the first little Obama line right there. But that's not an Obama line yet, that's just a Democratic Congress line.

Mr. BROUN of Georgia. That's a NANCY PELOSI line right here.

Mr. CARTER. That's a NANCY PELOSI line. And then look what's happened since. And so it's true, figures don't lie. You just don't show them all, it makes a little bit of a difference. So I am glad you got that chart out. I just brought it up because I kept wanting to go raise my hand and say, Aren't there supposed to be some more lines on there?

But anyway, that's another story. Back to what our folks back home were saying. They are looking at that, and they are saying, Who is going to pay for that? Well, it would be their grandchildren and our grandchildren and our colleagues across the aisle's grandchildren. I personally don't have any yet, but I am praying every night to have some grandchildren. When I do, I certainly don't want to start them out behind the eight ball.

In fact, we most of the time work to try to make sure that we start our kids out ahead of where we started out if we can, just like our friend Mr. JORDAN said a minute ago. And that's kind of what makes America great. Now, there are people that say, well, we have been deficit spending forever. But you know, these numbers we see here are on new ideas and new concepts. We don't see the threats, the outside threats the American people face, like the wars and so forth, being that big number. This is new energy, which may be a great idea, but thus far it's not replacing the energy we have got. And it's new projects and it's new concepts of, what I would call in nice language, a centrist form of government. And what we are really seeing here is a group of folks running amok with spending and not even being willing to do what their leader said the most basic responsibility of governing is, to have a budget.

Well, why didn't they do that? Well, I think it's because we are too busy doing pet projects and making sure that we change America. It's more important to change than it is to get it right.

□ 1800

And I think that's a question we need to be asking ourselves. We didn't know what ''change'' meant. Now we're starting to get a glimmer of what change means. And is that the change we want?

I yield back.

Mr. BROUN of Georgia. I appreciate it.

I just wanted to put in my two cents about the question you just asked about why the Budget Committee hasn't passed out a budget, why the House hasn't passed a budget. We have an April 15 deadline by law. A budget is supposed to be passed. The Senate hasn't passed a budget. We've been very busy this whole year, you know, Mr. CARTER, since this year started under this administration. We've passed all of these big spending bills, and it is my belief that we don't have a Federal budget because they can't balance the budget. They can't show to the American people how awful the spending is up here, how outrageous, how egregious the irresponsibility is, and they do not want anybody to hold them responsible.

My 19-year-old son, Collins Broun, comes to me when he needs some money. And he's been in school. He's a freshman in college. And he's had some little jobs, but he doesn't have a budget because he depends on me to provide his needs.

Well, this government is relying on taxpayers, and the PAYGO, Mr. CARTER, that you were talking about that we keep hearing touted by the Blue Dogs on their side about how great it is. We've suspended PAYGO over and over again on a health care bill the American public still doesn't want. They want it repealed. We, as Republicans, want to repeal and replace it. There's been a nonstimulus bill that's been an abject failure that's going to be over a trillion dollars. This has created some government jobs and some temporary jobs, but hasn't stimulated the private sector.

Most jobs that were created in the private sector were small business. Businesses are scared to death. They are not creating any new jobs because they look at these budget deficits and see spending bills that this Democratic Congress has been passing over and over again—most times without any or sometimes with only very minimal Republican votes for them. But we've seen just over and over again these huge bills. They haven't taken the time. And I don't think they want to be held responsible, frankly. So I think that's a big part of the reason.

So to answer your question, I think that this Congress won't pass a budget in the House, probably not in the Senate because they don't want to be held responsible. They want to continue to do what even the majority leader said. It's the most basic responsibility of government. They are not doing it. JOHN SPRATT said if you cannot budget, you cannot govern. Well, they're not governing. All they're doing is spending.

Mr. CARTER. Will the gentleman yield?

Mr. BROUN of Georgia. I'll yield back to Mr. CARTER.

Mr. CARTER. One of the reasons you have a budget is so you can make legitimate estimates on how much you're going to spend. If you don't make a budget, you're not tied to a legitimate estimate and what your revenues are going to be coming in to pay for it. That's what you do to make a budget. Everybody back home knows that.

I'm not going to mention the company, but it was a good-size company. I met with one of their folks the other day, and they just finished charting out at their board of directors at just what increasing the health care costs for covering the 26 year olds, in other words, carrying the children of their employees to 26 years old, what it was going to cost their company.

Now, they're a good-size company—$28 million. Now that's missing it just a little bit, isn't it, for one company is looking at $28 million just to carry children to 26 years old?

Mr. BROUN of Georgia. Above what they're spending now.

Mr. CARTER. Above what they're spending now on their health insurance.

Now, I don't care how big you are. That's a big chunk of money, and it would shock anybody from the biggest corporation in the world down to the little mom-and-pop to have that kind of percentage of your revenues all of a sudden by government action going out the front door.

That's the kind of thing when you don't think things through and figure out what it's going to cost that those things jump up and bite you. But in this instance when we don't figure out what it's going to cost, it's the American people that get jumped up and bitten, and that's what I think we're seeing happen right now. And I think that's unfortunate.

I yield back.

Mr. BROUN of Georgia. I agree with you it's not only unfortunate, but it's irresponsible.

We're seeing Congress spend money, tons and tons of money that we don't have, trillions of dollars that we don't have, for programs that America doesn't want. It's not in the best interest of America. It's killing jobs. Killing jobs. And it's just not responsible governing.

We've been joined also tonight by my good friend from New Orleans, Louisiana, STEVE SCALISE, who's also been a great fighter for us here on the floor on many issues—on health care and other issues. And I want to welcome Mr. SCALISE, and I'd like to hear you impart some knowledge in this.

Mr. SCALISE. I thank my colleague and the gentleman from Georgia, and I appreciate you bringing this issue to the forefront because what we're talking about here is responsibility.

And Speaker PELOSI, when she took the gavel 3½ years ago—she's been Speaker for 3½ years—and they talked about doing things differently. They laid out all kinds of promises. They bashed Republicans for being fiscally irresponsible. And yet all we've seen from Speaker PELOSI and her liberal lieutenants who are running this Congress is spending at unprecedented levels. This year a trillion and a half dollars. They're breaking records every day on deficit spending that is being dumped onto the backs of our children and our grandchildren, denying opportunity to the next generation.

And yet when you look at what families are doing across this country—these are tough economic times. People are looking to Washington saying, Where are the jobs? Why isn't Washington focused on creating jobs?

And we've come up with ideas and solutions that we've put on the table to create jobs, to cut taxes, things that have been proven to work to get the economy back on track, and every time we've been turned away. And yet when families are tightening their belts, they're pulling back. They're cutting their budgets.

Our States: in Louisiana, in my State, we've got a Governor right now, our Governor's cutting the budget to balance it. They're going to balance the budget this year even though it's tough economic times, like most States are doing. And like most families are doing. And Washington seems to be the only place where they not only don't get it, but at a time when everybody else is cutting back and tightening their belts to live within their means, Washington's spending out of control in record levels.

And now, as you pointed out, they haven't even brought a budget to this House floor for next year. No budget. Haven't even brought a budget. Now, we think they should bring a balanced budget. In fact, we've proposed a balanced budget. They haven't even brought a budget, any budget.

Maybe you'd say, well, maybe it's because Congress is so busy dealing with so many important issues and creating jobs and all of these other things. Unfortunately, that's not the case. They brought the government takeover of health care. They had time for that. Something that's going to run millions of jobs out of this country, billions of dollars in new taxes. They brought this cap-and-trade energy tax, a tax that would add thousands of dollars to every family's electricity bill.

Just look at today's agenda. My colleague from Georgia, as he points out, they haven't brought the budget. You say, well, maybe that's because there's

a lot of things on the agenda other than a budget that is so important. Let's look at some of the votes we took on the House floor today. We named a post office. We congratulated a basketball team. In fact, we even honored a courthouse. Honored a courthouse. That's what was on the agenda of the United States House of Representatives today.

And yet they haven't even brought a budget to this floor—not only a balanced budget like we think they should bring, but the President's budget—the only document that's sitting out there. The President's budget doubles the national debt in 5 years. Doubles it.

Now, we want to say rein in that spending. Rein it in. Stop this out-of-control spending.

They started last year with the stimulus bill, $787 billion of money that we don't have. But they said, Oh, it needs to happen so we don't exceed 8 percent unemployment. Well, today we're sitting at 9.9 percent unemployment. It just keeps going up. Millions more Americans have lost their jobs in the year and a half that President Obama has been President, Speaker PELOSI has been running the House, HARRY REID's running the Senate. They control all of government. And all you see is out-of-control spending, more lost jobs, and hundreds of billions of dollars in new taxes. And you wonder why businesses in this country are afraid to hire or afraid to invest, why families are scared to death looking not only at their own pocketbooks, but more concerned with what Washington's doing to deny them, and especially our children and grandchildren, more opportunities.

So I think we need to keep this focus up. We need to address this problem. We need to balance our budget.

I yield back.

Mr. BROUN of Georgia. Thank you, Mr. SCALISE. You're absolutely right. The budget resolution simply sets forth an annual framework of priorities, sets forth the framework for taxes and spending. It's one of the few pieces of legislation that Congress must pass annually. We're not seeing that happen.

Since 1974 when Congress passed the Congressional Budget Act, which created the modern budget process, Congress has failed to enact a budget resolution only four times since 1974. This year will be the fifth. But it's the first time in history, the first time in history that the House does not make any attempt whatsoever, no attempt, to pass a first version of a budget bill—never since 1974 when the Congressional Budget Act was passed. That's just unconscionable.

Mr. CARTER. Will the gentleman yield for a question?

Mr. BROUN of Georgia. Absolutely.

Mr. CARTER. So if I understand you, those other budgets you're talking about, those four others, there was—in those cases there was an attempt to pass a budget, but they never could reconcile. Maybe they couldn't reconcile the differences with the Senate or they couldn't even reconcile it within the Congress, but they certainly made a good-faith effort to try to get a budget passed and didn't get it done. Is that what you're saying?

Mr. BROUN of Georgia. That's absolutely correct. In fact, an attempt was made to pass a budget. Through our legislative process, they did all of the things. A budget resolution was presented, an attempt was made to pass a budget resolution. And only four times since 1974 has a budget resolution not passed. But this is the first time in history that there is no attempt whatsoever to even pass a first version of a budget in the U.S. House. It's unconscionable.

I yield back.

Mr. CARTER. It seems to me you ought to at least try. I mean, it's almost like, you know, my wife, one time my son wanted to know—he had to drop out of baseball to play football, and he wanted to go back and play baseball. And he was all hanging around the house all moping around. And his mother said, Well, you know what? If you don't try, the answer is ''no.'' So why don't you go ask the coach if he will let you back on the baseball team.

Well, I'd say to the Budget Committee of the majority party, if you're not even going to give it a try, of course we're not going to have a budget. Let's at least give it a try. Let's at least see if we can't come up with an idea.

And I kind of like Mr. SCALISE's idea of this time let's try to put a balanced budget before the American people and see what happens there.

You know, it was the Republicans back during the Clinton administration that battled and battled and battled Bill Clinton who vetoed and vetoed until they finally got their consent of a balanced budget amendment done. They had a route for a balanced budget, and they fought the administration until they got it there. And it had a lot to do with some of the prosperity that took place in that decade. That seems to be lost in history. Revisionist history is actually current event in this place. It's constantly changing what really happened, when things really happened.

The welfare reform was really done by the Congress, but somehow that got forgotten. There's a lot that gets forgotten. And right now they're forgetting to do a budget, and it's time for the Democratic Party and their leadership and this House to do a budget and it would go forward and let us see just what you're going to spend and where the revenue is coming from. I think it's only logical that they go forward on that.

I yield back.

□ 1815

Mr. BROUN of Georgia. Well, thank you for yielding back.

What are the consequence of not passing a budget? Well, first thing if we don't pass the budget, then there's no cap on discretionary spending for this fiscal year. So they can spend whatever they want to because they have no constraints within a budget.

I've got a friend whose wife said, Well, we have got plenty of money in the bank. I still have checks in my checkbook.

Mr. CARTER. I've heard that before.

Mr. BROUN of Georgia. That's the way this majority is acting. They still have the checks in the checkbook. They still have a credit card that is being held by the Chinese.

But where does the money come from? With all this deficit spending, this outrageous spending that Congress has been doing, it is going to come from our children and great-grandchildren. They are going to live at a lower standard than we live today, be the first generation that has lived at a lower standard than the previous generation, and it is because of this ''gimme now'' attitude that this Congress, under the leadership of NANCY PELOSI, has been doing.

So passing a budget will at least help stop this outrageous spending and will put some caps, maybe, on the discretionary spending for this year.

Also, not passing a budget means that Congress will not muster the leadership to set any kind of framework for paring back the entitlement spending. We have got to control entitlement spending.

Our colleague who is the ranking member on the Budget Committee, PAUL RYAN, introduced a bill in the last Congress, in the 110th where you and I both were here, that would set forth some parameters for controlling entitlement spending. We have got to do that. There is no question. In fact, about two-thirds of the Federal budget is on autopilot, and it just continues to grow exponentially.

We have got to change the whole budgetary process, and that is what I hope to see us do. And I think Republicans have that as part of what we want to do once we get control back of the House, is to change the budgetary process so that we balance our budget and we control entitlement spending. It is absolutely critical.

But thirdly, most importantly, not passing a budget means not carving out priorities for the spending and giving us an extension of the tax cuts that were put in in 2001 and 2002, even for low-income families. So we are going to see tremendous increases in taxes for everybody in this country, even the people who can afford it the least, those on limited incomes, fixed incomes, and the poorest people in this country.

In fact, we hear over and over again that our Democratic colleagues are interested in the middle class; but, actually, the middle class and the lower economic rungs of the ladder are going to be hit hardest by the health care bill that was passed, ObamaCare, by the nonstimulus bill that's been an abject

failure, and all the outrageous spending that our Democratic colleagues have been doing here in the Congress.

Beyond all these things, not passing a budget signals to the American people that we are not going to be held accountable. We are not going to deal with the Nation's spending addiction that Congress has, the deficit challenges that this government has.

We have got to stop it.

Families all over this country are balancing their budgets. My State of Georgia and many States have to live under a balanced budget. I believe the Federal Government should live under a balanced budget. But we are not even having a budget.

Mr. CARTER, what do you think we are going to do? Are we going to continue spending? I yield.

Mr. CARTER. I thank the gentleman for yielding.

These are serious times, and we have serious issues to deal with.

Recently, I was privileged to be in a meeting with some conservative economists, and I say that because I want to make sure that we are pretty clear they are conservative. They gave us a whole bunch of projections of spending and projections of debt-to-income, both government debt and private debt to GDP and bank deposits. And they said, but cutting through the chase is, if we continue the policies of the Obama administration into a second term, if he wins a second term, in the third year of his second term we will be Greece. That is pretty serious.

And, you know, you talked about the middle class. I bet if you questioned everybody that lost their job and is out of work and what class they were in, they would all tell you they were in the middle class, because we all consider ourselves to be middle class in this country. We are sort of proud to be middle class.

So these concepts require work, and that means a budget.

I yield back.

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

Just in closing, in the last minute that we have, Americans know that you can't manage what you can't measure. If you don't have a budget, you can't measure anything. You can't set out spending priorities. Failing to enact a budget blueprint just doesn't allow Congress to measure any spending priorities that we see coming forth, and just see big spending after big spending bills.

Democrats are purposefully deciding to not pass a budget bill blueprint to hide the fact that our country's financial picture is in terrible shape and we are going down the same road that Greece is going down.

American families know that this is irresponsible. Congress needs to get its house in order and lead. It can start by passing a responsible budget resolution. American people need to ask: Where is the budget?

REBUILDING THE ECONOMY

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, the gentleman from Virginia (Mr. PERRIELLO) is recognized for 60 minutes as the designee of the majority leader.

Mr. PERRIELLO. Mr. Speaker, Americans are sick of it. They are sick and tired of hearing excuses and finger-pointing. They are sick and tired of other people not having to play by basic rules of decency and fairness. They are sick of it, and they should be. They want Wall Street to play by the rules. They want Washington to play by the rules.

One of the most important moves we can make right now is for the Senate to see through to completion their efforts to clean up the financial system so that those who work hard and play by the rules, save up a little, put it into their home values, put it into their 401(k), know that other people aren't able to gamble away their retirement security and their future. Basic rules of decency and fairness.

We need those similar rules in Washington. That is why many of us have fought hard to make sure that we reinstate PAYGO legislation that the other side of the aisle let die a few years ago that simply says, anything you do, you've got to pay for it. These are the rules of everyday Americans back home on Main Street, and it is time for those Main Street values to apply to Washington and to Wall Street.

But Americans are also sick and tired of those who put slogans ahead of solutions. They want us to solve problems, and none is greater than that of the jobs crisis we face in this country.

On Wall Street, and maybe with our friends in the Senate, there is a sense that this recession has passed and the urgency is gone. But every weekend we go home and we talk to business owners who can't get credit. We talk to people who have been looking for job after job after job just so that they have the dignity of knowing that they can support their family; hardworking people who are willing to go back and get that additional degree or certificate but need to know that there is going to be a job on the other side. What they ask us to do is to come here, play by rules of decency and fairness, and focus on solving problems.

We have an opportunity here before Memorial Day to make the most of the summer construction season, to make this an opportunity to rebuild America, but specifically, to rebuild America's competitive advantage in the world.

This crisis didn't begin a couple of years ago. It began a couple of decades ago, as we saw more and more borrowing from the financial institutions, overleveraging, and the consumer market with consumer credit to cover for falling wage rates, and in the government sector. That cannot go on forever. But at its core was an issue of whether we can continue to compete in the world with a living wage and middle class incomes and jobs.

The answer is to reward innovation and stop bailing out failure. This solution that both parties have had at times of bailing out failure will not succeed. We must begin again to reward innovation, research and development, and creativity so that we can be building the jobs of the future here in the United States.

Many of us have worked hard day and night here to focus on pragmatic solutions, like the HOME STAR program that will help thousands, hundreds of thousands of people renovate their homes and their offices. It will help reduce pressure on an electric grid that is way out of date, and it helps put people back to work in construction and in manufacturing, the insulation, the double-paned glass, the window films that are manufactured right here in the United States.

But we also know that the key of this new job creation, this new competitiveness revolution that we must have in this country, is an understanding that two out of every three new jobs created in this country are created by small business. Small business is the engine of job growth even as big business is too often the engine of our politics.

We must make sure that we are getting those Main Street values and those Main Street businesses back into the equation that have too often been choked out, rolled out by big business for photo ops and by politicians for photo ops, but forgotten when it gets down to policy.

Well, we have been hard at work on programs to get direct lending to small business, get support to our community banks that still tend to support those small businesses, the homegrown businesses that stay in our community, where the CEO still knows the name of every worker, the name of their spouse and their kids, wants to give them a decent wage and help them be able to support their family. These are concrete solutions that make sense back on Main Street instead of the kind of bomb-throwing that goes on here.

And one of the great freshmen in our class who is also focused on the solutions-oriented approach, this pragmatic approach, what I would call a postpartisan approach that doesn't focus on how we can bring everyone together by watering things down but how we can leave our partisan divisions behind by getting better ideas that help create that competitiveness revolution, JARED POLIS, who has been successful in the private sector, in the nonprofit sector, as well as the government, to talk some about these solutions-oriented approaches that we have.

Mr. POLIS. I thank the gentleman from Virginia.

Like many Members of Congress, I listen to, I visit the small businesses in my community in Colorado. Small businesses are really the backbone of our country. When I visited one of our

small towns like Lyons, Colorado, last month, I did what I call a Main Street tour where I stop and introduce myself at many of the local businesses. I have a small business advisory council.

I am not alone as a Member of Congress in hearing from the businesses in our district that one of the biggest impediments to their growth and allowing them to hire people is the lack of credit that they have from their banks. Their traditional borrowing that they have been able to do to fund their activities, whether it is against accounts receivable or future revenue flows, they find themselves cut off and unable to access those credit lines because of the tightening of credit.

There is a swing in the pendulum. Credit was, in all honesty, too loose 3 years or 4 years ago. It has now swung to the other extreme, as it tends to do, and has become too tight. That has become an impediment to job growth. There are businesses in my district that, if they had access to credit, they would be able to grow and expand and hire more people.

Now, when you talk to the banks, the banks in my district and everywhere, they say there is a number of reasons for this. One is increasing capital requirements that the Federal Government is imposing to reduce the rate of bank failures, a very legitimate policy interest. Others include other regulatory reasons that the banks feel that they are having to reduce the amount of money they are effectively able to lend out. But it is something that we need to solve, Mr. Speaker, because it will create jobs for Americans, small and midsize businesses across our country.

There are a number of solutions that people are talking about in this body. It includes the Federal credit facility to small businesses through the banks, includes some actions on the regulatory front, and it includes an idea, a bipartisan idea that I have introduced, H.R. 4877, which would provide an incentive for private money to flow into the equity line of these community banks to get them lending again.

Now, a bank, like any business, has many kinds of capital. So when you deposit your money with a bank, they can certainly loan against that money, but it is not as leverageable as equity capital. If a bank actually sells its shares, they get money in that they can lend against with much higher leverage.

So what we can do is provide an incentive for people to invest in community banks; for community banks to go back out to their communities, to their boards, to say, You know what? We need to sell some more shares of our community bank to raise some more capital. And that capital can be deployed in a very powerful way in lending to our small businesses.

So for any investment in the community bank under H.R. 4877 during an 18-month period when we want to incentivize this investment—and much of it will occur very quickly, I might add, 1 month, 2 months, 3 months, and held for 5 years, then the investors would not have a capital gains tax. There would be an exemption from capital gains on that investment in the community bank.

What will this do? It will get the attention of the people that we want to get the attention of, existing investors at banks, private equity funds, and others who could be doing anything with their money. They could be sitting on the sideline with their money. They could be investing in businesses of any sort. This will get their attention to say, Hey, there is a special incentive, because of the public good that comes from a robust community banking sector and the lending that will help stimulate the demand for a whole host of businesses and help businesses grow, to put your money into community banks.

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Many community banks will recapitalize. By the way, this might even prevent some bank failures by allowing community banks on the margin to recapitalize within the bounds of solvency rather than becoming insolvent or having to be bailed out.

There is, rightfully so, great frustration with what has been seen as collusion between the government and big banks; what has been seen as a bailout and what is a bailout of bad behavior. Why not incent a private investment in these banks before we start talking about using taxpayer money for this or that or the other? Let's see what investors out there are willing to do when given the chance to invest in our communities, invest in our banks, and help them extend credit widely to the small businesses.

This is truly one of the highest leverage areas that small businesses have come to me and other Members of Congress and said, If only we can get the banks lending again. Well, we can, Mr. Speaker. With H.R. 4877, we have the opportunity without the use of taxpayer money to get an infusion into our community banks and get them lending to our small and medium businesses, commercial property across this country, to help get the economy going and create good jobs for Americans.

I yield back to my friend from Virginia.

Mr. PERRIELLO. Thank you so much for your work in this area. We do understand that small business is a lifeline for our communities, a huge job creator, huge engine of that, but it's also an area where we have not seen the kind of behavior that got us into this mess. Our community banks, our credit unions, have often been more solvent through these situations. Didn't see the huge upside, but also continued the old-fashioned tradition of looking someone in the eye and doing their due diligence. In fact, if you look at the people who saw the crash coming within the markets, it was actually people who went out and did old-fashioned due diligence. Going and looking at where these subprime mortgages actually were. Sometimes there's no replacement for old-fashioned hard work, due diligence. And we know that community banks do this.

So a program like this tries to get private-sector solutions to this problem. Help incent that investment in our community banks. Our community banks in turn can invest in our small businesses and our small businesses in turn invest in our families—our working families—and in our communities. This is the sort of thing that can move us forward, as has another thing that we worked on in the House, which was a 1-year freeze on capital gains taxes for small business. Again, something that doesn't say we're giving you free money. It just says we are going to encourage this kind of small business innovation. We know this tends to lead to job creation. It's a good thing. So these pragmatic, private-public partnerships like the Home Star program, like Rural Star, where we're helping to make our country safer, more efficient, and rebuild manufacturing.

The gentlemen on the other side were talking about all the post offices we've renamed today. And we did some of that. They failed to mention that we also had the America COMPETES Act up today, which is actually to support research and development and rebuilding some of the manufacturing base and investment in efficiency technologies and job creation that, too often, they've tried to take down with poison pills about child pornography and this sort of thing. And the American people look at that and say, You've got to be kidding me. We're in the worst job crisis in two generations, and you're up there scoring cheap political points when you have an opportunity to do something both sides of the aisle know we need to do, which is figure out how to reinvent America's competitive advantage. When we can do that, particularly with these public-private partnerships, like your efforts with the community banks, like the capital gains, these are engines not just of short-term job growth, but of rebuilding America's competitiveness and getting us back to work.

With that, I want to yield to one of our newest Members from California.

Ms. CHU. I rise today to urge the quick passage of H.R. 4213, the American Jobs, Closing Tax Loopholes and Preventing Outsourcing Act. This bill is such a comprehensive approach to improving our economy by providing important tax breaks and to spur innovation and create jobs. But one reason I'm extremely enthusiastic about it is that it extends and expands an extremely successful employment program that is called Jobs NOW, which has created over 156,000 jobs, and in my district alone, 400 jobs.

In Palmdale, California, Jobs NOW helped Jody, a single mother of two,

find a job at a local coffeehouse working as a barista. The regular paycheck puts food on the table and is helping her get through a rough patch. Her boss is extremely impressed with her work and plans to permanently hire her and three other subsidized employees that they brought on. It's this kind of success story that makes Jobs NOW such a good model for job creation. Without it, the coffeehouse would not have been able to grow its business or take on new employees. Jody would not have had a chance to learn these new skills and support her family.

Now I came across this innovative program because it's in my district, Los Angeles County. One of the Los Angeles County supervisors, Don Knabe, created a program which provided over 11,000 jobs, all in 1 year, using stimulus funds to create these subsidized jobs. How does it work? Eligible participants are placed into subsidized jobs in all sectors of the economy, from small business to nonprofits to the government sector, and they're matched with jobs that complement their employment goals. The employer must provide supervision equal to 20 percent of the cost of this job and they must ensure that the job will not displace an existing employee or someone who is to be promoted.

What this means is that the county then is paying for 80 percent or more of the payroll costs through Recovery Act funds. Some examples of these jobs are park rangers, receptionists, teachers' assistants, dental assistant trainees, customer service clerks, and child care workers. Workers get paid $10 per hour for up to 40 hours per week.

Jobs NOW allow small businesses to succeed and the employee to succeed. I've spoken to countless people in my district about this program and I keep on hearing about how this program is truly a win-win for businesses and workers. This program works because they do both benefit. Workers benefit beyond the paycheck by getting hands-on experience in a setting where they can earn wages and make sure that they put food on the table. They are also developing their skills. Small businesses benefit by getting the help they need to grow or expand while temporarily reducing payroll costs. Companies may ultimately desire to hire these subsidized workers permanently as the economy improves. The jobs generated by the program can help businesses expand in these difficult times by reducing their economic risk and the need for expensive loans.

In April of this year, over 7,000 people were enrolled in the program in Los Angeles County, and 1,100 employers were improving their productivity and putting someone to work with this extra help. These are companies like Punch Television Network in Carson, California. Punch TV is a fledgling channel that is trying to build a new nationwide television network, and they needed quality employees to truly expand. They hired six subsidized employees using Jobs NOW and they recently moved into a new large production center to handle all their new work. They even want to hire these new, highly motivated workers permanently. So now, not only do these employees have hands-on experience, they are going to have a permanent job.

But this great program isn't just putting people to work in my area. It's employing people all across the Nation in 29 States across the Nation. They are using Jobs NOW to keep their residents working, paying taxes, and purchasing groceries that's fueling local economies. In Tennessee, the State focused on rural Perry County, which was hard hit by a plant closure. The unemployment rate had risen to 27.3 percent. Tennessee brought local workforce development and human service agencies and the business community together and developed a subsidized employment program for over 500 individuals. The effort cut local unemployment down to 18.6 percent. Because of successes like this, more States want to join. And if we pass H.R. 4213, Jobs NOW can expand and help thousands more people.

But we can't delay. Already, States are stopping their subsidized jobs programs because the funding will expire at the end of September. Companies aren't as interested in taking on new employees and training them, just to lose them again in 4 months. In my district, Los Angeles County will stop placing participants in new jobs in June, and soon many more counties and States will do the same. Yet, the full amount of funding has yet to be claimed by the States. The Recovery Act authorized $5 billion for Jobs NOW's employment program, but less than $1.5 billion has been accessed by the States, and the program really actually can still expand across the country. That's why H.R. 4213 is so crucial. It not only extends Jobs NOW for another year, it lets the unspent funds for this year pay for next year's salaries for workers hired in 2010.

If we don't act now, 60,000 Americans across the Nation will lose their jobs when this program ends and endless more will not have the opportunity to get the jobs that they need. This bill will keep Americans employed and will create thousands of necessary jobs.

I yield back.

Mr. PERRIELLO. Thank you so much for those remarks and bringing back to the kitchen table those individuals that are involved in this.

With that, I will yield to Mr. POLIS of Colorado.

Mr. POLIS. There are many issues before Congress, both great and small—all of tremendous importance. One of the issues that there's an outcry among the American people for us to deal with is immigration reform. Whether people are conservative or liberal, left or right, Republican or Democrat, we agree that what we are doing now does not work. We have a large population living, working here illegally. We don't have adequate enforcement of our borders, verification of who can work.

Now, within our efforts to solve immigration, to replace our broken immigration system with one that works and reflects our basic American values of, if you follow the law and learn English, you're welcome here, within the comprehensive House immigration reform bill that I'm a cosponsor of there's a provision to create jobs for Americans to help make immigration work for us rather than immigration be a cost for us.

Today, there are investors and foreign entrepreneurs who raise venture capital, ready to start their companies, who can't get the visas to come to this country and start their companies here. And then we wonder why these businesses in China and England and India are so successful. Well, some of them actually wanted to set up shop in this country. The House comprehensive immigration reform bill contains a startup visa provision that would allow an entrepreneur, be they a French entrepreneur, an Indian entrepreneur, that is backed by an investment that has raised several hundred thousand dollars, we would allow them to come here and start their company here as long as they hire five American citizens. This bill will likely create at least 50,000 jobs. And that's just a start. Because, you know what? Some of those companies hiring five people today could be the next Google, could be the next Yahoo of tomorrow, and employ tens of thousands of Americans.

Yes, America has an immigration challenge on a whole host of issues, but we also have an immigration opportunity—the opportunity to attract the best and brightest from around the world to help make America more competitive and provide jobs for America here at home. It's insourcing instead of outsourcing. Our current immigration code works against us and forces companies that want to hire Americans and be based here to instead set up shop overseas. Through comprehensive immigration reform we have the opportunity to change that. In the House bill there's a startup visa provision. Senator KERRY has introduced that as well in the Senate.

We need to encourage not only financial capital to flow into our country, but also human capital to create jobs for American citizens here at home. And that's an important lens to look at any piece of legislation through. I, for one, am thrilled that the House comprehensive immigration reform bill will create tens of thousands of jobs for American families. And that's one of the reasons that I'm a proud cosponsor.

I yield back to the gentleman from Virginia.

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Mr. PERRIELLO. Thank you.

The gentleman talked some about the next Yahoo! or the next Google. I

just want to talk for a minute about something that's a little more old fashioned than that—construction. We actually do still need to build things in this country. We need to put down asphalt and concrete. We need to build roads and bridges. The infrastructure of the last century needs to be rebuilt. But we also need to be thinking in terms of leapfrogs in infrastructure. We need to be laying the broadband that is the highway system of the future. We need to be looking at a modern electric grid because our current one is not only so vulnerable to attack, but it's full of inefficiencies. The amount of energy we lose between where we produce the energy and where we consume it is astronomical. It is incredible how inefficient.

So here we have businesses that are trying to compete against very low-cost countries around the world who are still using an electric grid essentially from the 1930s. This is a moment where we need to have the boldness to rebuild our competitive advantage by doing some building again. And construction should certainly not be a Republican or a Democratic issue. We all have construction needs in our districts. We have construction companies in our districts. Ninety percent of construction companies are small businesses, and we are already into the summer building season for many parts of this country. But from Memorial Day to Thanksgiving, it's going to be an important moment.

We've lost 1.6 million construction jobs since this recession began. We have a 25 percent unemployment rate among skilled construction workers, 1.6 million in losses in construction jobs, 25 percent unemployment, yet we cannot get bipartisan support for the investments in our 21st century infrastructure that could put people back to work in construction, so that instead of receiving an unemployment benefit, they're receiving a paycheck; and we are getting a more efficient, modern infrastructure system. This is common sense. This makes sense back on Main Street. It just doesn't make sense in Washington, where we score points by preventing the other side from doing something smart instead of by solving the problem. We know we need these construction jobs. We know it's where some of the biggest losses have been. We know it's something that exists in every one of our communities, and we know we are well nigh at the beginning of that construction season.

We passed in December through this House a plus-up of some of the infrastructure that's needed. It's desperately needed here in this area. Just try to drive from D.C. to Richmond sometime and see whether we have an infrastructure worthy of the year 2010, worthy of the kind of growth and competitiveness of the Commonwealth of Virginia. Head out 66 and down 29. We need it on the roads and the bridges; we need it on the freight; we need it on the passenger rail, the energy and electric grid as well as the broadband technology. These are important leaps, and we have made some leaps. We are going to be able to wire every public school in central and southern Virginia through some of the stimulus grants. That's going to put people to work now, putting that in place; but it's also going to be creating businesses of the future that people can run out of their homes, out of a small business hub, making sure that the children going to through our school system have the education to be able to compete in the 21st century.

Construction. It may not be the most dramatic thing to talk about, but it is vital. It's where an enormous amount of the job losses have been, and many of us have been trying to get that construction going again in time for the summer building season.

We have bills sitting in the Senate, ready to move as soon as they're done with this Wall Street reform. I hope they will pick up the job initiatives that we have passed here because they are pragmatic; they are powerful; they are effective; and they can put people back to work in areas like construction where we have had some of the biggest losses. I mentioned the Home Star program where we can put people to work immediately, retrofitting and renovating the building stock of this country. The payback, 12 months, 18 months before you're immediately saving money for decades to come, increasing the home value and value of that commercial building stock, putting Americans to work manufacturing the insulation, the double-paned glass, the wiring and other things that are part of that. It's just common sense. It saves the consumer money. It makes the business more efficient. It's being manufactured here. It's something that makes us more competitive. It protects our environment, and it makes our country safer because we're less dependent on foreign oil—and even domestic oil, as we've seen the costs of that recently.

The Home Star program could put 168,000 people to work. Even before home construction starts to pick back up again, which will vary regionally around the country, we know we can renovate the building stock that we have. Concrete, pragmatic ideas, public-private partnerships. We have the Rural Star program which is going to help rural electric co-ops to forward-fund those sorts of renovations in some of our hardest hit rural communities that are much more likely to have inefficient housing stock, where people are paying a much higher percentage of their very low income sometimes on that electric bill because that housing stock is so inefficient. But it's also costing our electric co-ops and others because there's so much power on our electric grid that we can't even meet that challenge.

This is a moment where we need to look not just at what got us into this mess for the last 2 years but the last two decades. How do we rebuild America's competitiveness? And we must do it by joining forces across the aisle. We must do it by looking for ideas that are pragmatic but bold. The answer can't be to water it down to be so small that it has no chance of making a difference. When you go to Main Street in this country, they're furious at us, they're furious at Wall Street because no one's playing by the same rules they have to play by. We have to get that sense of decency and fairness back into play. We need to play by those rules. That's why we've put PAYGO back into place. That's why we're increasing transparency. But they also want us to focus on pragmatic solutions, Home Star, Rural Star, efforts to get equity and investment going into our community banks. Why would we put all this emphasis into the five or six huge banks that helped get us into this mess in the first place? It makes no sense.

We have to stop bailing out failure and start rewarding innovation, research and development. That's how we get out of this. We can still out-innovate and, therefore, out-compete any country in the world. But we can't do it by looking backwards, and we can't do it by rewarding and bailing out failure. We have to do it based on innovation. We have concrete, pragmatic things right now that the Senate can move on and, in some cases, that we need to move on here. Home Star, Rural Star, green energy jobs, getting that capital gains tax cut to our small businesses, getting the incentive to invest in our community banks.

If two out of every three jobs come out of small business, this is an area where we can and must put more emphasis, and construction is part of that. Here people may not think it's a big deal to go out and have a small construction company working a couple of crews. Here maybe too many people are focused on the Goldman Sachs of the world. But for those construction companies, for those crews, going out and working is rebuilding America, and it's putting food on the table and knowing they can support their family. And all of us benefit from the efficiencies and quality of that infrastructure investment. We have a building season right now. This town is way too insulated from the urgency of this job crisis back home.

We, just last week, had the announcement of over 500 jobs lost in the town of Martinsville at the Stanley Furniture factory. Tens of thousands of furniture and textile jobs have been lost in southern Virginia over the last 20 years. This was really one of the last, down to a few jobs that have been kept. The unemployment rate in the city already I think is at 22 percent. It could pop up to 25 percent or above. And each one of I think 535 jobs lost represents not just an individual and not just an income but a family and its economic security.

At this time when millions have lost their jobs, when millions feel that they

might be next, the American people are sick and tired of us playing games up here. We have concrete solutions on the table that will create real jobs in the construction sector, the manufacturing sector, and the agriculture and forestry sectors. These are things we can still do and do better than anyone in the world, but we are being choked off by the kinds of games being played in Washington and on Wall Street. It is long past time for people in this town to understand the urgency of this job crisis for working-class and middle-class Americans who not only live in fear of losing that job but are getting nickeled and dimed by the credit card companies, the electric utilities and others as they try to make ends meet day after day, week after week.

We have to be bold right now in rethinking America's competitive advantage. There is no quick fix. We must in the immediate term not miss the summer construction season. I see too many trucks parked in the driveways, in the parking lots of our construction companies at a time that we need to be rebuilding. Not overbuilding in some of the housing and speculative areas that helped get us into this mess, but building in the areas that reinvent and reinforce America's competitive advantage. Whether that's on the high-end R&D and intellectual property of those areas or whether it's old-fashioned infrastructure, these are areas that mean real business for real working families. Part of how we do that is by putting a solutions-oriented approach over a slogans-oriented approach, and the way we do that is to come together.

In this town, too often bipartisanship means cutting a good idea into half to the point that it means nothing at all, or simply adding one side's support to the other side's support. What Americans want is post-partisanship. They want us to answer the question, What solves the problem, and not, What is the halfway point between the Democrats and the Republicans? Start with the question, What solves America's energy independence? What rebuilds America's middle class? What makes sure that we have basic stability in our financial institutions so that people who have worked their whole lives, saving up money in the value of their home, in their 401(k), know that someone isn't off gambling with that money in ways that are unthinkable and unimaginable.

There is 25 percent unemployment in our skilled construction. Americans are ready to build. They are ready to go to work rebuilding, whether that's housing or infrastructure or building stock, whether it's renovating, whether it's manufacturing here in America the materials that go into that. We need to put that sense, the urgency of the American economy first. We need to remember that small business is the engine. We need to understand that our community banks played by the rules through this crisis, stayed solvent, and still continue to get that lending out to so many of those in our communities.

I look forward to continuing to fight for a jobs agenda and an agenda of decency and accountability. I hope that those in the Senate on the other side of this building will complete a solid reform in the financial sector and turn to these jobs bills we've produced. There are five, six of them now, pragmatic, often private-public partnerships to reward innovation, to get us building again, to get the lending going through our community banks again, through a smart combination of investments and tax credits. I hope the Senate will turn to that and understand that back home, people are desperate for jobs, for economic security, for growth and that they will get some taste of that urgency and move from restoring those basic rules of decency and accountability to Washington and Wall Street and get these jobs bills passed so that we can get America working again, rebuilding America's competitive advantage again, and that is a fight I look forward to.

ISSUES OF THE TIMES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized here on the floor of the United States House of Representatives and have the opportunity to address you and hopefully illuminate some of these arguments that come before the American people, that come before this Congress and that reflect down that hallway to the United States Senate. And, Mr. Speaker, I long heard from over on this side in the 30-Something group that for years—actually they went from their thirties to their forties—stood over here, two, three, four, sometimes five or more, and they would make the argument that, if we would just give them the gavels, everything would be all right with the world; that if we would just let them be in the majority, they could fix the problems of America and the world. And they constantly harangued against the Republican majority that existed until the end of 2006, constantly promised that they would fix all the problems that we have, and constantly attacked then the President of the United States.

It's so interesting to me, Mr. Speaker, to have watched the transformation over the last 3-plus years, 3½ years now; and we are almost halfway through and probably, by business days, more than halfway through this Congress and on to the next election in November here of 2010. It's pretty interesting to me, Mr. Speaker, that the people who made all those promises about what was wrong with the world had to do with George Bush and the Republican majority, that were going to fix the problems, now I haven't heard any of them step forward and say, You gave us the gavels. The American people trusted us with the majority—them, not me—and by golly, we've fixed these problems for America. Look how great it is, now that the people who clamored for the gavels were handed the gavels on January 3, 2007, some almost 3½ years ago.

The problems that they were going to fix seem to be worse, not better. The problems we had with our economy got a lot worse, not better. The problems we had with energy got a lot worse, not better. The problems that we have with this society and the understanding and human nature seem to be getting worse, not better. I haven't yet heard the 30-Something group, those that are left of them, come to the floor and do the mea culpa, nor have I heard them point out that they've succeeded in the policies that they said that they would enact. And, in fact, Mr. Speaker, if you look back on the record, it is the exact opposite.

□ 1900

This Pelosi Congress, when we came in by Constitution on January 3, 2007, there was a great ceremonial and factual passing of the gavel that went from the hand of JOHN BOEHNER to, at that moment, Speaker NANCY PELOSI. And we saw actually right in the aftermath of the election in November of 2006 when that majority was won by the Pelosi Democrats, we saw a shift in the policy of the country. We watched as the, let me say heir-apparent at the time became chairman of the Ways and Means Committee, Mr. CHARLIE RANGEL of New York, go on the talk circuits all over the country, national television, program after program after program, booked solid. And they asked him over and over again, which of the Bush tax cuts would you want to preserve and which would you want to provide that they go away? What will be the burden on capital, and how costly will capital be for business, especially big business, moving forward from that period of time after the election in 2006 and the inauguration, let me say the installation of Speaker PELOSI in January 2007, and that period of time after that as the new Chairs of the committees, their new staff and the new members of the committees were seated and they began to assert their will on American policy.

What I heard from the apparent and future Ways and Means Committee chairman, CHARLIE RANGEL, that he would repeal or work to repeal any of the Bush tax cuts, it simply was by a process of elimination. He was asked over and over again every way that the news pundits could ask him, what would you do with the Bush tax cuts, the May 28, 2003, Bush tax cuts. Because the answer wasn't definitive, but there was a process of elimination. The smart capital in the country concluded that there were none of the tax cuts that CHARLIE RANGEL would like to preserve.

That was in November, December, January, and partway into February of

2006 and early 2007. So what we saw was a dramatic drop in the investment, capital investment that took place into industry in America because capital is smart. It doesn't last very long if it is not. It understands that the cost of capital was going to get more expensive. The more expensive capital was going to be a burden on business, and the profit margin was going to go down if the tax cuts went up and if the tax burden went up. Increased tax burden raises the cost of capital, the profit margin goes down and capital doesn't seek that kind of an environment if it gets too far apart. That is what was going on.

In November and December of 2006 and January through February of 2007, industrial investment went down because the cost of capital went up and the prospects for profitability went down and that, Mr. Speaker, was the beginning of an economic decline that this country has faced and the globe has faced since that period of time.

Now, the people that stood here on the floor that as Chairs of committees that made these arguments at this microphone here and those microphones there over and over again argued that it was all George Bush's fault, and if they just had the gavel, things would be better. They didn't argue that they needed the Presidency, not at that time. They argued that they needed the majority in the House of Representatives where all spending must begin according to the Constitution.

Well, they achieved their goal, but they never accepted their responsibility for the effect of their actions or inactions. In the case of the Bush tax cuts, it was the inaction to extend the Bush tax cuts that became the culprit that was part of the downward spiral of this overall economy. The actions that came forward were massive spending.

It was also the disruption and the suspension of the deliberative process here in the United States Congress. For more than 200 years, this Congress has had a tradition of open rules in the appropriations process that would allow, Mr. Speaker, anyone, any Member of this Congress who has their own franchise, 1/435 of the people of the United States of America, they are duty bound to represent their wills and their wishes, coupled with the principles they have presented to them prior to their election, duty bound. This Congress has for more than 200 years recognized that duty to allow Members of Congress to do their duty and offer amendments to perfect legislation, and particularly in appropriations, where we have had the long, centuries-old tradition of open rules that allows for any Member to bring an amendment down here when there is an appropriations bill that is being considered on the floor and offer that amendment into the RECORD.

And provided that part of the bill hasn't been passed in its deliberation, require that that amendment be debated and can require by request of the Member a recorded vote on that line item that they may be addressing.

I did that more times than anyone else in this United States Congress in the appropriations process in 2007. It was, Mr. Speaker, the last legitimate process that this Congress has had in this legislative arena. The balance of it has been closed rules, modified closed rules, very much tightly held and constrained amendment process that shut down the debate here in this Congress and took away the franchise and the right of a Member who has been elected by their constituents.

And, by the way, the number of constituents that I represent, Mr. Speaker Pro Tempore, or the number of constituents that you represent, or the number of constituents that Speaker PELOSI represents are essentially the same. They don't deserve more representation because they live in San Francisco and NANCY PELOSI's district, or because they live in, let me say, Miami in somebody else's district, or because they live in Iowa in my district. Mr. Speaker, they deserve the same amount of representation. And every Member of Congress needs to be on equal standing and have that opportunity to offer those amendments and require this House to be accountable for the decisions that they make up there on that voting board. But it has been shut down.

Since the appropriation process of 2007, there has not been a legitimate process of debate and amendment that perfects legislation to take place since then. That is how badly this constitutional republic, that is how badly this deliberative process has been usurped by the iron fist of the Speaker. And the American people little know how badly that cripples our ability to reach out across this Nation and pull the best of the wisdom we have of 306 million people and incorporate it into our decisions. Because where I sit, I have input that comes from all over my district, smart people. Smart people that will give up a couple of days from their business and their work and they will reach into their pocket and they will buy a plane ticket here and back and a couple hotel rooms for the opportunity sometimes to sit down with my staff or some other Member's staff even for 15 minutes so they can make their argument. They deserve our more serious ear. They deserve our best effort and our best judgment. They deserve our respect.

But when this process is shut down to where the Speaker decides if an amendment is going to be heard if that pleases her, all of that wisdom, almost all of that wisdom is completely shut out and this process that was devised and determined by the Founding Fathers is suspended until we reach saner times, or maybe forever.

Lord only knows what happens to the majorities in this Congress. But I know this: this American Government cannot function at a high level of efficiency, nor can it produce policy that is good for the people of the United States of America if it is going to have to go through the filter in the Speaker's office before it can be considered on the floor of the House of Representatives.

That would be, if it worked, if that rule applied to our speech outside of this Congress, it would be a violation of the First Amendment. This happens to fall under our rules a process so it circumvents the First Amendment rule and fortunately I and others can come to this floor and raise this subject and speak to it openly so the American people can understand what is taking place here in the House of Representatives on the floor when the people are being run out of the Rules Committee up on the third floor in the hole in the wall and we are watching partisan votes come through the committees here on the floor of the House that do not deliberate on the policy at all, but deliberate exclusively on the partisanship, which party are you with; therefore, that is how you vote, not an objective consideration of the policy.

But the 30-something Group and those that have come to this floor with them and after them made the argument that if they just had the gavels, all would be right with America. Well, we have seen unemployment rates go from 4.6 percent and less on up to 9.9 percent. We have watched that number of those who are underemployed, those who no longer fit the definition of unemployed, that number go from 5 or 6 or more million, added to the 15.4 million that are unemployed today. There are more than 20 million Americans that fit the definition of unemployment as the American people understand it. More than 20 million.

We have 8 million working illegals in America, and that is a minimum. And if the President of the United States directed Janet Napolitano, with a little assistance from Attorney General Eric Holder, to enforce immigration law, we could open up almost all of those 8 million jobs for the American people, and we could do so in a very short period of time. But there is no will on the part of this administration to enforce immigration law. There is no will. There is a will to pander to an ethnic group that they decide is going to be the future of the future majority of the Democrat Party.

And I watched with something significantly less than respect and with a high degree of cynicism as I watched them posture themselves about fairness and how we should provide amnesty and how we can't fix the immigration problem in America unless we first provide comprehensive amnesty.

And I listened to that argument under the Bush administration, and it didn't make any more sense then that it makes today to argue that we should grant people a path to citizenship because, after all, our law enforcement is being tied down by enforcing immigration law against people that are not

criminals, that have minor violations, and if you just required them to pay a fine and learn English and pay their back taxes, you could give them a path to citizenship and all would be right with the world.

Mr. Speaker, how does this fix anything? We have had in the past something like 4 million illegal border crossings on the southern border in a year. We encounter a single unique individual as many as 27 times down to the border by Arizona; 27 times, one individual. I have stood down there at the station at Nogales and watched as they bring them in after they picked them up for jumping the fence or coming across the border. I watched them come through. They know the drill. They have been stopped by a Border Patrol agent out in the field, and the Border Patrol agent just simply restrains them or, let me say, retains them, and along comes a private contractor with a van.

These people are wearing police-style uniforms in gray, and it is a white van with, let's say, reinforcement built in the side, containment for human beings, sliding door on a white van. The Border Patrol agent picks people up, calls the private contractor, they pull the van in, load them up and drive them over to a holding cell or on up to the station headquarters. They already know that they put their personal items in a Ziploc bag and they walk into the station often, many of them, with a smirk on their face.

They know right where to sit. They sit down against the wall with their little Ziploc bag of their possessions, and they know that they wait their turn. And they will be picked up and go over and have their fingerprints taken one at a time, get their digital photograph taken, now with a flash, and once that data is collected, they go into a holding pen until there is a van available to take them to the port of entry where they waltz out, get in the van, the doors close, the van goes to the port of entry back to Mexico, turns sideways, they open up the van door and the illegals that have been processed and fingerprinted and had their digital photograph taken, get out and they walk back to Mexico. The door closes on the van, the tires squeal, and the van goes back to get another load.

□ 1915

And we do this over and over again, for as many as 4 million people that come across our border, interdicting perhaps 20 to 25 percent of them that do so, realizing that with these 4 million people that pour across our border in a year—think of it, 4 million people. Santa Ana's army was about 4,000 that assaulted the Alamo. This is 4 million people a year, a huge haystack of humanity.

Now, think what it's like to make the argument that the Bush and Obama administration made, that if we would just legalize all these people, then we could focus on the bad elements that are within them. Well, first of all, if you're going to legalize 4 million people or 4 million attempts, and maybe that's not 4 million unique people. If you're going to legalize all of them, how would you avoid legalizing the people that were the bad elements? This is a haystack of humanity, and in it are the needles that are the bad elements.

And so can you imagine, Mr. Speaker, sorting out, out of that haystack, the needles? So you'd approve a stack of hay, and in that may or may not be a needle. You grab another bundle of hay and you'd approve that and you would give them a path to citizenship. Then they would have a card that would give them the ability to go in and out of United States, stay in America, go to Mexico or wherever they want to go, and that card would let them travel. And we would have automatically anointed them to be acceptable to work in the United States, live in the United States, travel throughout the United States, and go back to their home country and come back in the United States.

Now, first, we don't have any indication that we could possibly do a background check to approve the people that would get a path to citizenship and get this amnesty. I have asked them, I've asked the people that come into the United States, that are living here—they may or may not have come in here legally—Can you produce a birth certificate from Mexico so we can do a background check?

Well, it turns out that those that are born in a hospital can generally produce a birth certificate. But about half of them are not born in hospitals and they cannot produce a birth certificate. That's just the fact.

So when I ask them, Can you get me a birth certificate, their response to me is, Yes, I can do that. What do you want it to say? How old should I be? Where should I have been born? What should the birth certificate say?

In other words, whatever kind of fraudulent document that is necessary to get them legalized in the United States, they'll produce that. And if they produce a fraudulent document, it's unlikely that it's going to have a paper trail of whatever laws they might have violated in a foreign country. So the very idea we could do a background check on them, it is an impossibility to do a background check on people that come from the foreign countries that we are talking about.

Now, we may be able to do a background check on them just off of the fingerprints that we probably already have on record at Nogales or wherever they came across the border, probably could do that background check on what they have done, potentially, to violate the laws in the United States, but that's a very small part of their human history. A larger part is in their home country that can't be traced because we can't trace them back to an individual identity.

So this argument that a huge haystack of humanity of 4 million strong can be legalized and we can focus on the needles in that haystack because they are the bad elements is simply a flawed premise. No one can present this to me in a rational fashion, how it gets easier if you legalize people; because the people that would be legalized, some would be, the percentage would be very similar to the negative elements that exist in that broader cross section of society anyway, unless you presume that the bad elements will not try to be legalized. Of course they will. They'll try to game the system.

So this huge haystack of humanity with the needles in it would be legalized, granted amnesty, handed cards that allowed them to travel anywhere in the United States and in and out of Mexico or their home country. So a people that would travel more across the border rather than less will cause us more problems rather than less. We have 90 percent of the illegal drugs in America come from or through Mexico. And Mexico is not accountable for all of it, but 90 percent come from or through Mexico.

And of that, all of the illegal drugs that are distributed in America, according to the Drug Enforcement Agency in the interviews that I have done with them, the illegal drug distribution chain has at least—every illegal drug distribution chain has at least one link in that chain that's provided by an illegal. So magically, if everyone that is in America woke up in their home country tomorrow morning, every illegal drug distribution chain in America would be severed, at least one link would be pulled out of that.

Now, I don't propose that that would mean that illegal drugs would stop flowing into America or stop flowing into the consumers in America. I would just say that it would be temporarily suspended, some for a few minutes or hours, some for weeks or longer. But it would be temporarily suspended.

Illegal drug smugglers are protected by the flow of illegal humanity. Even if they are good people, they want a job. They want to take care of their family. They inadvertently provide cover for those who come in here for evil purposes, drug smuggling, people smuggling and worse.

And we've watched as Phoenix has become the second highest kidnap city in the world, second highest in the world. Highest, Mexico City. Why is Mexico City the highest? Kidnapping is part of the criminal culture in Mexico City. Why is Phoenix the second highest? I will suggest, Mr. Speaker, that the kidnapping culture that exists in Mexico City is being transferred into Arizona and into Phoenix, at least to some degree, causing that major kidnapping problem that is in Phoenix.

And so 90 percent of the illegal drugs coming into America come from or through Mexico. And Phoenix has become the second highest kidnap center in the world, partly because of the drug

smuggling trade, the people smuggling trade, the profit margins that are there.

And in deference to President Calderon, who is in this city, I think, right now as we speak, I do reject the criticism that he has provided for the State of Arizona for passing their own immigration legislation. But I also will concede his argument that there's a powerful magnet here in the United States, and that is the use and the purchase of illegal drugs, that the illegal drugs that are the magnet that really brings about the markets that cause the drug wars in South America, Central America, Mexico, coming into the United States.

If we could shut off this illegal drugs magnet—there's two magnets that need to be shut off in America. One is the jobs magnet that hires illegals and pours them into our economy, who work at substandard wages and then the taxpayers have to subsidize the subsistence for the families that should be sustained by the wages and the benefits. That's one thing that is a magnet that needs to be shut off, and there's ways we can do that, Mr. Speaker.

But the other is this huge magnet, which is the demand for illegal drugs in America, that sets up the production and the distribution chain and the drug cartels that are so utterly brutal, especially in Mexico, where I saw a number that I can't substantiate. I will just tell you, Mr. Speaker, that it was reported in the news that over the last several years in the drug wars in Mexico, they've had 23,000 people killed, 23,000. Now, that would be drug cartels killing members of other drug cartels. It would be local law enforcement officers. It would be intimidation attacks on families. It would be the military personnel that are engaged in this fight. But it is a very high amount of casualties that have taken place in Mexico to shut off the illegal drugs in that country.

And I understand the frustration of President Calderon that the United States is providing the magnet for the illegal drugs, and we are critical of them for the human smuggling, the drug smuggling, and the cash smuggling that comes out of the United States down into Mexico and places south.

Well, it's all right for us to be critical of what's going on in Mexico, but we have to acknowledge that the drug abuse problem in the United States is a big part of that. And if we could shut off the magnet of drug abuse in the United States and the magnet of employers who are seeking to hire substandard-wage workers in America, we could solve a lot of the border problems by doing that.

The rest of the border problems that can be solved will be solved by building a fence and a wall on the southern border. Now, this is not that hard to figure out, Mr. Speaker. We spend $12 billion a year on the southern border when we add up the costs going into ICE, the Border Patrol, Customs and Border Protection, all the equipment that they need, the benefits, wages, and pension plans that go along with that, and we used a corridor some 40 miles wide or so along the southern border. $12 billion for a 2,000-mile border. That's $6 million a mile, Mr. Speaker.

And I constantly hear the message that we have to have more and more boots on the ground, more boots on the ground. And so I suggested to the then-chief of the Border Patrol, if we could produce an impermeable barrier from heaven all the way down to hell so no one could go over the top, no one could go underneath, and they were completely impermeable, how many Border Patrol do we need to protect that border? And the answer that I got was, well, we still need more boots on the ground. Well, that wasn't expert testimony. That was the party line. If you have an impermeable barrier that no one can go over or under, you cannot argue that you need more boots on the ground, Mr. Speaker.

And I make this argument hypothetically because of this: Good solid barriers on the border cut down on the need for personnel, or they improve the effectiveness of the personnel that we have. That's the equation.

You can't envision that if you build a fence and you come inside of that 60 or 100 feet and you build a concrete wall that is 13½ feet high with a wire on top of it and a foundation underneath of it, and you come in behind that and you build another fence, and you've got roads on either side of that concrete wall, triple fencing with a concrete wall, wire on top, cameras, sensory devices that are there and agents that can patrol and come directly to the spots where there's activity and problems, you cannot convince me that you need more Border Patrol agents instead of less. You can't convince me that more people will cross the border if you don't have a fence—or, excuse me. You cannot convince me that more people will cross the border if you do have a fence than if you don't. Of course they're effective. And they're effective. We know they're effective. They're cash flow effective.

Six million dollars a mile, Mr. Speaker, is what we're spending today on open, vast areas of the border where there was only a concrete pylon established from horizon to horizon; $6 million a mile. And who would not take a check for $6 million to guard the border for a mile?

My west road, no one lives on it, a mile of gravel. If the Feds came to me and said, Steve, I've got for you $6 million this year and every year for the next 10 years. I'll give you $60 million to guard that mile from your house west. And by the way, I'm going to dock from that $60 million every time somebody gets across that border illegally. And I'm going to require you to bond that so that the effectiveness, if you—that you will guarantee that you'll get the job done.

I would not as a, let me say, as an astute entrepreneur look at my west mile with no fences on it and hire myself 100 Border Patrol agents with Humvees and radios and put helicopters in the air and guard that border with hovering helicopters and Border Patrol agents that are sitting back 4 or 5 or 6 or 20 miles from that road and go catch them when they come across and get into my cornfield. No, Mr. Speaker, I'd build a fence and a wall, and I'd put sensory devices on that and I'd have cameras. And when somebody approached the wall and tried to get over, we'd know. We'd see it coming, and we would call our handful of Border Patrol agents there to address the problem. That's what needs to happen where there's high crossing rates over our southern border.

It defies common sense to believe that you can chase people around the desert cheaper than you can prevent them getting into the desert. And no one has put the cash to this and the cost to what's going on. I'm the only one I know of in the entire United States Congress, House and Senate, that can tell you $12 billion on the southern border is the annual cost, $120 billion for 10 years. That's how our budgets go, $120 billion.

□ 1930

Six million dollars a mile, $60 million a mile for 10 years. Sixty million. Think what you could build for every mile that you can imagine in your neighborhood, Mr. Speaker, over 10 years if you had $60 million. This country would be so full of edifices of construction if we had $60 million to invest for every mile.

We have got to have it be effective. And we have got to be smart about how we spend our money. And we have got to establish immigration policy that is good for the social, the economic, and the cultural well-being of the United States of America. And I pledged to do that.

I have introduced legislation which will do so, Mr. Speaker. It's called the New IDEA Act. New IDEA stands for the New Illegal Deduction Elimination Act. And what it does is it brings the Internal Revenue Service into the immigration enforcement arena, the IRS. The IRS seems to like to do their job from time to time. In fact, let's just say that they are good at it. I don't want to necessarily accuse them of liking it. And the effectiveness of the IRS is one of the reasons that I brought them into this mix when I introduced the legislation.

So the New IDEA Act stands for the New Illegal Deduction Elimination Act, Mr. Speaker. It clarifies that wages and benefits paid to illegals are not tax-deductible for income tax purposes. It provides for the IRS, during the course of a normal audit, to come into a company and run the Social Security numbers of the employees through a database. And that database would be the E-Verify database, which

has proven to be well more than 99 percent efficient and effective. And if those employees, one or more of them, cannot be verified to be lawful that they could work in the United States, the IRS then will give the employer an opportunity to cure that problem. But the bottom line is that they will deny the business expense of wages and benefits paid to illegals as a tax-deductible item.

So if an employer paid a million dollars in wages to a list of illegals and the E-Verify program could not verify that they could lawfully work in the United States, then the IRS would deny that business expense of a million dollars. It would go from the schedule C exemption side, the business expense side, over to the profit side of the ledger, in which case that all becomes a taxable profit event.

I did this at 34 percent corporate income tax, and that has gone up, but I did the math at 34 percent, and it turns out to be this. Your $10 an hour illegal becomes a $16 an hour illegal when you add the tax liability at 34 percent and the interest and the penalty that's assigned by the IRS.

So your $16 an hour illegal is a pretty expensive ticket. And the million of dollars in wages that would have been paid that were deducted as a business expense now become an additional, well, let me say $600,000 in costs to the employer. They will make a decision then not to take that risk and to hire an American worker or someone who is lawfully present in the United States that can work here.

I am all for that, Mr. Speaker. It is the right thing to do. Bring the IRS into this. Pass the New IDEA Act, the New Illegal Deduction Elimination Act, and let the IRS join with the Department of Homeland Security and the Social Security Administration to build a team so that the government is all on the same page, singing from the same page of the hymnal, so that the right hand, the left hand, and the middle hand all know what the other one is doing. That's the right thing to do here in America. That shuts down the jobs magnet. It doesn't shut it entirely off.

Some have suggested that we should pass legislation that makes it a felony to hire an illegal. Well, you know, we have document theft that goes on with those employees. And Janet Napolitano has taken a position she is not going to enforce even against document theft in the course of people that are working illegally. We can turn our pressure up against the employers and make it a felony, and we can lock them up in jail or give them massive fines. I suggest instead we provide the incentive so that all of the employers can be under that kind of scrutiny with a 6-year statute of limitations that's written into the bill that then allows for the IRS to go back 6 years.

Now, think how this works, Mr. Speaker. If you paid a million dollars in wages out to illegals in a year and the IRS came in and did the audit and they took your $10 an hour and it became $16 an hour, and $10 an hour equated into a million dollars, you would have $600,000 in tax liability for that year. And the interest and the penalty that goes back actually accrues to a greater number, but let's just say it's level across the period of those 6 years. Now your $600,000 in penalty to the employer that paid a million dollars in wages to illegals becomes $3.6 million in liability to the IRS. Now, that is a powerful incentive to clean up your employee base to comply with the law, to do due diligence, and to hire people that can legally work in the United States of America.

This argument that we are in that we have to pass comprehensive immigration reform in order to solve our problems here is a false and specious argument. It doesn't hold up to any kind of logical scrutiny that I know. It's only out there because there is a political gain that is being sought on the other side. People that want to expand their political base and make a promise to different groups of people that they would be their benefactors.

And by the way, when I look at the pattern that is taking place between the Secretary of the Department of Homeland Security, Janet Napolitano, the President of the United States, the Attorney General, the Assistant Secretary of State Posner, this is an astonishing thing. The immigration law that was passed in Arizona mirrors Federal immigration law. It was designed to do that. The people that wrote it were smart people that understood Federal immigration law. They intentionally wrote it in such a way that it would not conflict with Federal law and would not be preempted by Federal law.

And here are some things that I know: That local law enforcement has always had the authority to enforce Federal immigration law. One of the ways that I have described that is, could you imagine local law enforcement arguing that they didn't have the authority to enforce another jurisdiction's law? Say for example if it was a county sheriff, can he sit out there and write speeding tickets on a State highway or does it have to be a county highway? If a county sheriff happens to see somebody run a stop sign in the city does he decide that, well, that's the town of Phoenix, but I am a Maricopa County sheriff, therefore I can't write a ticket for running a stop sign that is a city stop sign in Phoenix? Does a State trooper that watches a national bank be robbed not enforce that because they can only enforce the laws against robbing State banks, not national banks?

I mean how bizarre is it to believe that local law enforcement would have no business enforcing Federal immigration law? I would submit to the RECORD, Mr. Speaker, a case in 2001, a Federal district court that ruled in the case of the United States against Santana Garcia that established that local law enforcement has an inherent right and responsibility to enforce Federal immigration law.

There are several other cases that are on point on this, but I know of none, I know of no cases that would argue that local law enforcement does not have the authority to enforce immigration law. Of course they do, just like they have the authority to enforce other Federal laws. Or for example, I believe it's a Federal violation to murder a Federal agent. I believe it's also a violation of every State law for first- or second-degree murder or manslaughter in the United States of America to murder that same Federal agent.

Now, who would argue that if the Federal Government didn't prosecute the murder of a Federal law enforcement agent that the State couldn't prosecute because it would be a preemption of Federal law? It is complete irrational baloney to believe that there is a preemption that prohibits the States from protecting themselves or ordering their societies.

So Arizona has written their immigration law that simply says, hey, it's against the law to be in Arizona illegally in violation of Federal immigration law. And they went to great pains to establish that there has to be probable cause in order for law enforcement to pull people over and inquire beyond that. Probable cause. So probable cause would be let's say a taillight out, a brake light out, a car that's speeding, a stop sign that's been run. How about a bank that's been robbed?

They chase all of those vehicles down, they approach the vehicle, they ask for a driver's license. If they are handed a matricula consular card, that's almost de facto proof—a person that carries one has no reason to have one in America if they are here legally. If they are here legally, they have got documents that they can use. So a matricula consular card would be probable cause—excuse me, that would be probable cause, but it would be a higher standard than the lower standard of reasonable suspicion. And that law enforcement officer then would get to ask a few more questions and determine if that individual was in the United States legally or illegally.

Now, if he suspects and comes to a conclusion that it's worthy of taking it to a higher level, he can call ICE and have them go through the process and take care of the situation. If the back of the van opens and 15 people start to run across the field, well, that's reasonable suspicion I would say, Mr. Speaker. But it's not targeting, it's not profiling, it's not prejudice.

And all of this fulmination about the profiling and the prejudice is a great big red herring designed to create this political argument that they think they have got some traction in.

And I, Mr. Speaker, have been through a number of these. It took 6 years to establish English as the official language in the State of Iowa. I

had the same discussions and the same debates take place over and over again. And they argued that if we establish English as the official language of Iowa there would be people all over the State that were disparaging other languages and the people that spoke it. And so in the bill we wrote that it's unlawful to disparage any language other than English.

So oddly, and I didn't accept this amendment willingly; it became part of the law nonetheless, oddly people can disparage English in the State of Iowa and no other language. Well, it never really applied. Never heard of a case where anybody was disparaging any language. And I suppose that there may be. I don't know if anybody actually is disparaging English itself either. But all of this hysteria that was being ramped up, it went on for months and in fact for years, and all of the allegations that it was going to destroy our society and it was a bitter pill, it was an insult to people, when the bill was passed and it became law, it went away. All of the worries that were there went away.

I also was principal author in the Iowa Senate side of Iowa's workplace drug testing law. And that law, among other provisions, allows for a drug test to be conducted on an employee provided there is reasonable suspicion that they are using those drugs. Now, reasonable suspicion is credible, objective, identifiable characteristics. It's pretty close, although it's not quite verbatim from the statute. It's been 12 years.

That gives you a bit of the idea, Mr. Speaker of the definition of reasonable suspicion. Objective, credible, identifiable characteristics. And as much noise as was made about that, that we were going to test people on reasonable suspicion, we were going to test them on random testing, we were going to test them post-accident, we were going to test them preemployment, we did all of that. We didn't ask law enforcement officers to go and be trained and come into the workforce and look around for people whose behavior was erratic or maybe their pupils were dilated, or people who were nervous or irritable or whatever it might be.

We just simply directed that the employer designate an employee who would be the one who could declare that there be a drug test on someone because of reasonable suspicion. And the standard that's written into the bill is that employee has to go through an initial 2 hours of training, 2 hours, and then each year refresh that training with a minimum of 1 hour of training. So that might be the truck driver, could be the nurse, could be the janitor, it could be the CEO. Actually, if it's a small business, it could be about all those things wrapped up in one person.

But these are not people that are necessarily trained by their profession to identify a reasonable suspicion. They are just simply trained within their job to do so. And we for 12 years, for 12 years we have had reasonable suspicion in Iowa applied by employees of companies who have received 2 hours of initial training for the first qualifier and then each year thereafter 1 hour of training.

□ 1945

And they have pointed their fingers at employees and said, I have reason to be suspicious that you are abusing drugs. You go and provide a urinalysis now because that single individual's judgment thinks so. Now, that would give an opportunity for people to be profiled, for them to be discriminated against, for a law to be abused in a broader way than it could possibly be done in the State of Arizona. And yet in 12 years, in Iowa under the reasonable suspicion law, we don't have a single case of any type of persecution or prejudice or profile that has emerged.

Now, it doesn't mean there aren't some people who have not complained along the way. But I know of none. I've not had a complaint come back to me. There's not been a case that's been filed. The language for reasonable suspicion in Iowa that's granted to someone with 2 hours of initial training and 1 hour of annual training after that, it doesn't necessarily have a specific background required, has worked beautifully. And hundreds of companies now provide a drug-free workplace because they have the tools to work with.

And why would we think that an immigration law that applies in Arizona right now, if it's enforced by the Federal Government, somehow becomes a discriminatory law if it's enforced by local government? The very people that have to live with their neighbors and friends. The law enforcement officers that in Arizona are more likely to be Hispanic than the Federal officers that are enforcing immigration law. In some of the communities, that's true.

So why would we presume that law enforcement officers are inherently racist or bigoted or they would use their job to target people? I think this: I think the level of hysteria that exists in Arizona and across the country, especially with the boycotts that are out there, is proportional to the fear of the open-borders crowd, the whining liberals crowd, proportional to their fear that Arizona's immigration law will actually be effective. That's the answer to what's going on. They don't want to see a law passed that will be effective because they're for open borders, they're erasing the United States of America, they're for allowing people to flow back and forth at will. And, you know, you can't be a Nation if you don't have a border, and you can't call it a border if you don't defend the border.

And we are a Nation that has great respect for the rule of law. All of the people that come here to this country don't have any experience of respect for the rule of law. They don't understand that justice is blind here in America, or is supposed to be blind. They don't understand that there is a provision of, I'll say, a statue of the Lady Justice who holds the scales in her hands and she's blindfolded because she's weighing this justice without being able to see who the person is that the justice is being provided for.

And so this immigration law in Arizona that the President of the United States played the race card on and played to, unnecessarily, to fears falsely and erroneously when he made the statement in a speech a few weeks ago that a mother and her daughter that didn't quite look the right part—and I've forgotten the exact language that he used—could be going out to get some ice cream and they could have somebody stop them and demand their papers.

Well, that's inconsistent with the law that I read. It is demagoguery, Mr. Speaker. It's inaccurate. It's willfully scaring the American people for political reasons.

And it fits right down the path of the President standing right back here and saying to the Supreme Court who sat here that they had unjustly decided a case before them and seeking to intimidate the judicial branch of government, in fact the Supreme Court of the United States.

And so if the President read the bill, he didn't understand it or he willfully misrepresented it. We know if we take his word under oath, and that was the Attorney General Eric Holder last week when he was asked by Congressman TED POE of Texas, did you read the bill—meaning the Arizona immigration bill—he had to admit no, he hadn't read the bill and he hadn't been briefed on it either.

Now an Attorney General of the United States coming before the Judiciary Committee to testify before the committee would be intensively briefed on subject after subject. He would be so boned up and ready that he could respond to anything. And this Attorney General couldn't see fit to bother to read a bill that's less than a dozen and a half pages long, double spaced? One that he felt free to speak to and make allegations about and imply that it could lead to discrimination and racial profiling or flat out say so in his public statements.

I was shocked to think that the question that I would have not considered was even one that legitimately just couldn't imagine that the Attorney General of the United States would not have read a bill that he was so critical of, but he did not. Thanks to TED POE, we know that.

So the President didn't read the bill or he willfully misinformed the American people. Attorney General Eric Holder said he didn't read the bill, but still he misinformed the American people.

The Secretary of the Department of Homeland Security, Janet Napolitano, admitted before JOHN MCCAIN, her colleague from Arizona, that she hadn't read the bill. She was aware of it, but

she hadn't read the bill, but she felt free also to talk about the potential effects of Arizona's immigration law.

And then we have the assistant Secretary of State, Posner, who repeated to us that they brought up the Arizona immigration law to the Chinese early and often and apparently made the statement of mea culpa for the United States that we had laws that were discriminatory and perhaps bigoted. But he hadn't read the bill either.

The President of the United States didn't read the bill. He misinformed the American people, unintentionally or willfully. The Attorney General of the United States, who is looking into suing the State of Arizona, hadn't read the bill, but he misinformed the American people unintentionally or willfully. The Secretary of Homeland Security, Janet Napolitano, hadn't read the bill but was misinforming the American people unintentionally or willfully. And the assistant Secretary of State, Posner, hadn't read the bill or intentionally was misinforming the Chinese. All of this going on in the Department of Justice has been directed by the President of the United States to investigate Arizona's immigration law.

Now, if the President gave that order without reading the bill, you would think he would have someone around him who had read the bill and had briefed the President. There's no sign of that. So apparently they're taking their marching orders from MoveOn.org or the ACLU.

And so the Department of Justice is investigating. They're looking for a way to bring suit against the State of Arizona on what could the basis be. And I asked the Attorney General this last week before the Judiciary Committee, Can you point to a single component of the Constitution that may have been violated by Arizona's law? No. Can you point to a Federal statute that would be in conflict with Arizona's immigration law? No. Can you point to any case law, any controlling precedent that would indicate that Arizona doesn't have the authority to enforce their immigration—the immigration law? No.

But still at the direction and order of the President of the United States, the Attorney General is using the force of the Justice Department to investigate Arizona and Arizona's immigration law all while inside that Justice Department they have canceled the most open-and-shut voter intimidation case in the history of America—that's the New Black Panthers—smacking billy clubs in their hand, calling white people coming in to vote in Philadelphia ''crackers'' and intimidating them from voting. And the Justice Department says we don't have enough evidence to convict.

And the Assistant Attorney General, whose name is Thomas Perez, testified before the Judiciary Committee that they achieved the highest possible penalty. And the highest possible penalty was to put an injunction against one of the four New Black Panthers, prohibit him from standing at that same polling place with a billy club and intimidating voters in the 2012 election. But after that, it's apparently not a problem.

It was a false testimony on the part of Assistant Attorney General Thomas Perez. They didn't achieve the highest penalty that was available to them, even though he testified otherwise, and the Justice Department canceled the case, the most open-and-shut voter intimidation case in the history of America.

And then we have the case of Kinston, North Carolina, where the people of Kinston, North Carolina, voted that they wanted to have nonpartisan elections in their citywide elections. A lot of communities in America opt for that. Something like 70 percent of the communities in America don't want to have partisan elections. So they say you can't put a Republican or a Democrat, no ''R'' or ''D,'' by your name. You get elected to represent this city without having a party identification.

Kinston, North Carolina, voted to do that overwhelmingly. The same person inside the Justice Department that dropped the charges for the voter intimidation in Philadelphia, Loretta King, also sent a letter to Kinston, North Carolina, because they are a covered district and covered by the Voting Rights Act and they have been labeled discriminators since the middle 1960s, have to get approval if they are going to change any system of their elections under the Voting Rights Act because they are a covered district.

So she denied the will of the people of Kinston on the basis that African Americans who wanted to vote for another African American wouldn't know to vote for that African American unless they had a ''D'' beside their name. Well, that seems to me to be a race-based decision, not one based in law or logic.

I don't think it's logic that people can associate necessarily a ''D'' with skin color. I'd like to think that they were voting without regard to skin color, that they were actually voting for people that will do the best job of representing them in Kinston, North Carolina.

That's strike number two against Loretta King and the Justice Department.

She had a third strike against her, and that was a rule 11 being applied for filing a specious case that was unfounded, and it cost the Federal Government $570,000 to pay that out because she brought a case that couldn't be supported that was false and specious and unfounded. And there's better language for that to be found under the rule 11 language that's there.

All of this the Justice Department can investigate and continue with the most open-and-shut voter intimidation case. They canceled the will of the people in Kinston, North Carolina, based on a race decision of Loretta King who had brought this false and specious case that cost the American people $570,000 all while this Justice Department that has enough resources to investigate Arizona with no rational reason why, with no constitutional thing that he can point to, he can't even investigate ACORN.

With that, Mr. Speaker, I would yield back the balance of my time.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. HONDA) is recognized for 60 minutes.

Mr. HONDA. Mr. Speaker, I rise today to recognize the Asian American and Pacific Islander Community and to commemorate Asian Pacific American Heritage Month.

As chairman of the Congressional Asian Pacific American Caucus, better known as CAPAC, I feel privileged to be here tonight with my colleagues to speak of the Asian and Pacific Islander American history accomplishments. Additionally, I will be highlighting those issues affecting our community and the priorities for CAPAC.

In celebrating the APA Heritage Month, I want to give thanks to the late Representative Frank Horton from New York, and to my good friend, former Secretary Norman Mineta, along with Senators DANIEL INOUYE and Sparky Matsunaga of Hawaii. It is because of their efforts that May is now designated as Asian Pacific American Heritage Month.

The first 10 days of May coincide with two important anniversaries: the arrival of the first Japanese immigrants on May 7, 1843, to the U.S. and the completion of the transcontinental railroad on May 10, 1869.

In 1992, Congress passed public law number 102–450, the law that officially designated May of each year as Asian Pacific American Heritage Month.

□ 2000

Today I, along with Congresswoman JUDY CHU, introduced a resolution honoring the accomplishments of my dear friend, Norman Mineta, who cut his teeth in politics in California's 15th District in Silicon Valley, which I represent today. Throughout his career, Norm has broken through many glass ceilings, himself, but also for the rest of us. He is a close personal friend, and I consider him a dear mentor.

Norm was the very first Asian American mayor of a major city, the first Asian American to hold a Presidential Cabinet post. Not only did he pierce through the glass ceilings, he dedicated much of his energy building the infrastructure needed for the Asian American and Pacific Islanders to grow and thrive to what it is today.

Norm had a hand in establishing and/or strengthening so many of our key

national organizations. They span from policy advocacy, coalitions like National Council of Asian Pacific Americans, to voter engagement organizations like APIA Vote, to organizations and fellowship programs that develop the future leaders of our community such as the Asian Pacific American Institute for Congressional Studies, to the Congressional Asian Pacific American Caucus, which I chair today. CAPAC is a caucus of members dedicated to representing the interests of underserved Asian Americans and Pacific Islanders, and I am proud to honor Norm Mineta today through this resolution, along with my colleague Congresswoman JUDY CHU.

Before I introduce Congresswoman CHU, I would just like to have a couple of personal notes.

Norm Mineta had a great impact, as I have said, on our communities, and the way he has done that is through delicate diplomacy. In the area in San Jose where ethnic groups are growing in political activity, oftentimes our communities would be in conflict with the police department. Rather than taking sides, Norm, as mayor, found ways to bring people together in an amicable way where the outcome was positive, always. And that has always shown us the way, through conflict resolution, that one does not need to have winners and losers, but that we can seek ways to make things happen in a positive way. That's one of the most important lessons I think that Norm has left many of us to pursue today here in Congress, to seek partnerships across the aisle and with each other on issues of great importance to this country.

And so I want to say to Norm as a friend, as his mentee, thank you very much for all the patience and mentoring that you have done. At times it was on purpose and at times it's just because that's the way you are.

I'd like to turn the microphone over to my colleague, Congresswoman JUDY CHU.

Ms. CHU. Thank you, Chairman HONDA, for convening this Special Order hour on APA Heritage Month.

I stand proud this evening with Chairman HONDA to commemorate the month of May as Asian Pacific Heritage Month. As the first Chinese American Congresswoman, it has been an honor and a privilege to be a representative and work on behalf of Asian Americans, and all Americans, on such critical issues affecting our Nation, like economic recovery, immigration, and, of course, the passage of health care reform.

Though Asian Americans have been here in this country for 160 years, it was not until 1992 when the designation of May as Asian Pacific American Heritage Month was signed into law. It was because of Asian American leaders like Secretary Mineta, then a Congressman, and Senators DANIEL INOUYE and Spark Matsunaga who introduced the legislation. They designated this month of May, the very month when Japanese immigrants first set foot on U.S. soil and when Chinese immigrants worked tirelessly to complete the first transcontinental railroad, to celebrate the contributions of APIs to this country.

For far too long, Asian Americans have not been at the table where important decisions were being made. This is despite the fact that we were here for 160 years, and yet we were nearly invisible in State and Federal Government. But in recent years, we have broken the glass ceiling and have ushered in an era of change. Asian Americans are at a historic high in leadership positions in so many different arenas: in politics, in law firms, and in the judicial arena.

In my home State of California, not only do we have three Asian Americans who are statewide-elected constitutional officers, such as State Controller John Chung, we have 11 Asian Americans in the California State Legislature.

And, on the Federal level, it is astounding that out of President Obama's 19 Cabinet members, three are Asian Americans: General Eric Shinseki, Steven Chu, and Gary Locke. And recently, four Federal judges were appointed: Dolly Gee, Jacqueline Nguyen, Denny Chin, and most recently, Goodwin Liu, the first Asian American to the U.S. Court of Appeals. It is the greatest number of Asian Pacific Islanders in State and Federal office in history.

And we've all stood on the shoulders of Asian American leaders like Former Secretary Norman Yoshio Mineta, who was a leader and a role model ahead of his time. It was because of Secretary Mineta that the invaluable contributions of Asian Americans were memorialized and recognized this month. It was Secretary Mineta who spearheaded the long and hard push to get final passage because of the Japanese American reparations bill, because his entire family, along with 120,000 other Japanese Americans, were interned for 2 years during World War II. And it was Secretary Mineta who cofounded and once cochaired the Congressional Asian Pacific American Caucus so that today our caucus, which has grown in number and blossomed, has a unified voice and advocates for issues that are unique to the Asian American community.

That is why Chairman MIKE HONDA and I feel so strongly about introducing legislation to honor the legacy of Norman Mineta, who made history and still is an inspiration to many. We hope that our House colleagues will join us in honoring this veteran, public servant, and great American.

Secretary Mineta, we pay homage to you for all of your service to Asian Americans and all Americans. You are a pioneer, a visionary, and a leader who embodies the true meaning of service.

Of course, we still have much work to do. We must continue to advocate for greater diversity at all levels where important decisions are being made. And, in fact, here in the very Halls of Congress we have seen what diverse and fruitful coalitions are capable of accomplishing when we work together to advance our issues.

When the congressional Asian, Hispanic, and Black caucuses unite as one, we are a strong voice and no longer an invisible minority, but a majority that can advocate effectively for Asian, Latino, and African Americans and, for that matter, all Americans. As a united coalition, we can make a difference on problems that impact us today.

For instance, we can reform our broken immigration system, which has kept families apart for far too long. Today, 12 million people live in the shadows with no hope or path to legalization. Today, young people who are valedictorians and student body presidents are prevented from completing a college education. And today, States like Arizona can pass laws that are discriminatory, anti-immigrant, and, frankly, un-American, when all immigrants want to do is to be productive, contributing citizens and provide for their family and loved ones.

We know immigrants are indispensable to our Nation's economy. In California alone, businesses owned by Latinos and Asians make up more than one quarter of all businesses and contributed $183 billion to the State. And that's according to the 2000 census figures, which we know is much undercounted by now, certainly.

We can foster the economic strength and level the playing field for Asian Americans and minority-owned businesses. Today, API and minority businesses still face great obstacles in getting lending and access to capital. When minority-owned firms do receive financing, it is for less money and at a higher interest rate than nonminority-owned firms, regardless of the size of the firm.

Despite the fact that Asian Pacific Islanders are 5 percent of the U.S. population, they only account for 1.9 percent of total Federal contracting dollars, which was worth $535 billion last year. API and other minority businesses face discrimination by prime contractors and contracting officers in the Federal Government, leaving these businesses very little opportunity to compete for contracts. And this must change.

And, we can make sure that we are counted in the census so that the particular needs of the API and other minority populations can be addressed. Today, we still do not have the proper and disaggregated data to sufficiently address the specific needs of the API and other minority communities. Segments of our API community continue to suffer from a ''model minority'' myth, and those in our population with the greatest needs continue to go underserved.

And today, we continue to have problems with language accessibility and

cultural sensitivity in the current census, even though the language capability is out there to assist in a very, very accurate census. These things, of course, have to change. I truly believe that when the leadership of this country begins to look like the people who live in it, our country will finally reflect the issues and concerns of all its people and we will see the change that we desire.

As I reflect upon the journey and struggles of Asian Americans in this country, I am reminded of the day when I was sworn in. As I stood on the floor of Congress and raised my right hand, I thought about the fact that my grandfather came to this country with nothing. In fact, he faced the hostile laws of the time, the Chinese Exclusion Act, which prohibited him from becoming a naturalized citizen, and the California laws that prevented Asian Americans from owning land and from being hired in any corporation. But he decided to make something of his life anyway and worked day and night and night and day to make ends meet. And now, two generations later, his granddaughter can be a Member of Congress. That is what America is all about, the land of hopes, dreams, and opportunity.

Thank you, Mr. Chairman.

Mr. HONDA. Thank you, Congresswoman JUDY CHU.

I want to thank you very much for initiating the resolution honoring Norm Mineta, but I want to make it very clear to the audience and to Norm that we are doing this not in anticipation of your demise. It sounds like almost a memorial, but it is to acknowledge you while you are around and you can appreciate it. And we want to let you know that we do appreciate all the work that you have done and the kinds of trailblazings that you have done. And so that is our way of doing it, and I want to acknowledge JUDY for doing that.

In terms of growth, today the AAPI community is quickly expanding. Currently, there are approximately 16.6 million AAPIs living in the United States. There are approximately 45 distinct ethnic groups within our populations speaking various dialects within each group. And it is certainly a diverse community, one of the fastest growing ethnic groups in the United States.

By 2050, the Asian Pacific Islander community and population is expected to more than double and reach 40.6 million, or 9 percent, of our population. My own State of California has the largest Asian population at 5.1 million. The States of New York and Texas follow, about 1.5 million and close to 1 million, respectively, in Texas.

The population is also growing in States beyond the usual hubs of New York and California. We are also seeing growth in other areas in our country, such as Virginia, Nevada, Minnesota, Louisiana, Texas, Pennsylvania, and Florida. I encourage my congressional colleagues to learn more about the API populations in their district and become a member of this caucus.

The stereotypes and lack of data around our community—there is a stereotype about Asian Americans that all Asians are healthy, wealthy, and wise. However, our community is extremely diverse in our ethnicities, income, educational attainment, language capabilities, special needs, and challenges. Stereotypes about our communities make it difficult to understand the unique problems faced by individual communities and subgroups. Data that is disaggregated by ethnicity for our various communities is hard to come by but critical to the understanding where we must direct Federal attention.

As a country, we need to better address the needs of the AAPI community when we discuss comprehensive immigration reform, health care, economic recovery, and education. We are also barely visible in corporate America, underrepresented in political offices throughout the country, and misportrayed in our mainstream media. As our community expands, we must also continue to educate our fellow citizens about the uniqueness of our experiences. And so the whole concept of disaggregation of our data is critical to making sure that we target very accurately the needs of our community.

Despite the daunting challenges we face, this is a time of great optimism and hope for the Asian American Pacific Islander communities. President Obama and the APIs in the administration and new Members of Congress are evidence of that. We are making this month with an American President with close ties to Asia.

President Obama grew up in Hawaii and Indonesia. His sister is half Indonesian; his brother-in-law is Chinese-Canadian, and he has maintained close ties with Asian friends and colleagues throughout his life.

□ 2015

President Barack Obama has a deep understanding of our community and many milestones celebrated may be attributed to his commitment to our community. He has made significant outreach efforts to reestablishment of the White House initiative on Asian Pacific American islanders to coordinate multi-agency efforts to ensure more accurate data collection and access to services for these communities.

The President's Cabinet includes a record of three Asian Americans, as was mentioned by Congresswoman CHU. Energy Secretary Dr. Steven Chu, a Nobel Laureate, the leader of the Livermore Labs in Berkeley; well-suited for the job. Well trained. Commerce Secretary Governor Gary Locke of Seattle, Washington. And Veterans' Affairs Secretary General Eric Shinseki, a man of great integrity and one that has earned his reputation not only among the military folks but all Americans.

The President has also demonstrated a commitment to judicial diversity through the nomination of high-caliber Asian American and other minority jurists at all levels of the Federal bench. Our faces are lacking very much. The nomination of these folks are appreciated because this says a couple of things. One, that we need to be there on the bench. Two, we have capable jurists that can administer and conduct a courthouse, from the very municipal courts to the highest—the Supreme Court.

The service in Congress. The ranks of Asian American Pacific Islander Members of Congress also increased this Congress with the election of ANH ''JOSEPH'' CAO from Louisiana's Second District, GREGORIO KILILI CAMACHO SABLAN from the Northern Mariana Islands, and CAPAC's newest member, Representative JUDY CHU from California's 32nd District.

Representative CAO has the distinction of being the first Vietnamese American elected to Congress. He also makes our caucus bipartisan, coming from the Republican Party. Just on top of that, our caucus is also bicameral, with representation from Senators AKAKA and INOUYE. Representative SABLAN is the very first member to represent the Northern Marianas and the only Chamorro person serving in Congress today. Representative CHU is the very first Chinese American woman elected to Congress. Representatives CAO, SABLAN, and CHU are also the newest members of CAPAC's executive board. Our newest associate members are Representative JOSEPH CROWLEY of New York and Representative JOHN CONYERS of Michigan. It is a testament to our evolving national character as a Nation of immigrants to have our newest Members of Congress come from upbringings beyond our own shores.

At this time, Mr. Speaker, I'd like to share the microphone and the podium with a gentleman who's been here in excess of 25 years. Probably 30 years. He claims that all the sumo champions of Japan that are over 6'5'' are his cousins. I don't deny that. I think that his service to this country representing the island of American Samoa has been long and distinguished. He's an articulate advocate for Asian American issues and, through CAPAC, I believe that he has a platform of bringing the issues of Asian Pacific islanders in that area to the public's attention. And through the last battle for comprehensive health reform, he has been an outspoken leader in making sure that territories such as the Virgin Islands, Samoa, Guam, Marianas, have a greater respect and attention paid to them.

And so it gives me great pleasure to introduce my colleague, the Congressman from American Samoa, ENI FALEOMAVAEGA. Aloha.

Mr. FALEOMAVAEGA. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore (Mr. PERRIELLO). The gentleman from California has 37 minutes remaining.

Mr. FALEOMAVAEGA. I thank the gentleman for yielding. I am very respectful of my dear friend here. Mr. Speaker, I thank my fellow Members of Congress who join us today in honoring Asia Pacific Heritage Month. I especially want to thank the gentleman from California, my colleague, Mr. HONDA, for his leadership as chairman of the Congressional Asian Pacific American Caucus and in requesting this Special Order to allow members of this institution to pay tribute and to recognize the contributions of the Asian Pacific American community to our Nation.

Founded in 1994 by then-Congressmen and my dear friend and former colleague, Congressman Norman Mineta, this caucus has been a strong advocate for the Asian Pacific American community on critical issues such as housing, health care, immigration, civil rights, economic development, and education, just to name a few. And so it is fitting that we are gathered here today to advocate as advocates of our community to acknowledge the wide-ranging contributions that Asian Pacific Americans have made in the history of our great Nation.

It's been 18 years now that Congress has given authorization that our Nation pay special tribute in the month of May to the contributions of our Asian Pacific American community. I will try and elaborate on the achievements and successes of Asian Pacific Americans to highlight our rich legacy and diversity but, more importantly, to demonstrate that the greatness of our Nation lies in its diversity and ability to accept people from all over the world as they pledge themselves to become fellow citizens of this great Nation.

Americans of Asian Pacific descent, over 16 million of us, make up about 8 or 9 percent of our Nation's population. In recent years, the Asian Pacific American population has more than doubled. There are some predictions that it is now considered the most active and rapidly growing group in our country.

Time will not permit me to share with you the names and contributions of many of our prominent Asian Pacific American leaders in the fields of law, business, and finance. Too many to mention. One only needs to read today's newspapers or a magazine to know that Asian Pacific American students both in secondary schools and universities are among the brightest minds our Nation offers to the world. I fully expect these students now and in the future will contribute their talents and their expertise to solve major issues and problems confronting our Nation and the world.

Many of our prominent business leaders and entrepreneurs are of Asian Pacific descent. For example, many of the popular brands and icons that we know today were created by the brilliant minds of Asian Pacific Americans. For example, the Bose Corporation, which specializes in audio equipment used by historical venues and facilities such as the Sistine Chapel, the Space Shuttle, and the Olympic Stadium, is headed by Amar Bose, an Indian American. Steve Chen, a Chinese American, and Jawed Karim, a Bangladeshi American, were the co-creators of the popular video-sharing Web site YouTube. Vera Wang, a Chinese American fashion designer and model, established herself as an icon by dressing celebrities and creating one of the most fashionable clothing lines for women in the world today.

In the realm of sports, Asian Pacific Americans have come to the forefront. Five Asian Pacific Americans competed for Team USA in the recent Winter Olympics, including short-track skaters J.R. Celski, Apolo Ohno, and Simon Cho, and snowboarder Graham Watanabe. Chinese American Julie Chu, who helped lead the U.S. women's ice hockey team to a silver medal, is the first Asian Pacific American to play for the U.S. Olympic women's ice hockey team. Ms. Chu is also the former team captain at Harvard University, where she became the all-time NCAA leading scorer for women's ice hockey.

Before I share the accomplishments of other Asian Pacific Americans in the Olympics, I must first recognize the pioneer of them all, in my humble opinion. It's a native Hawaiian by the name of Duke Kahanamoku, the first Asian Pacific American ever to win Olympic gold for the U.S. in the 1912 games. Duke went on to win two more golds and two more silver medals for the United States. Also considered the ''father of modern surfing,'' Duke was the first person to be inducted to both the Swimming Hall of Fame and the Surfing Hall of Fame.

Other prominent Olympians include Kevin Tan, a Chinese American who was selected as captain of the U.S. men's gymnastics team in the 2008 Summer games; high-diver Greg Louganis, of Samoan descent, who won three gold medals in the 1980s; and a high-diver by the name of Sammy Lee, the first Korean American to win a gold medal for the United States in the 1948 games. Four years after his historic feat, Lee also won his second gold medal at age 32, becoming the oldest person to win a gold medal in diving and the first male diver ever to win back-to-back gold medals.

A very, very interesting story about Dr. Sammy Lee. At that time, the U.S. diving team for the Olympics would not even allow Dr. Sammy Lee to practice with them because he was a Korean American. So he had to be somewhat innovative and creative, diving off the cliffs just to try to get himself practice to prepare for the Olympics. Guess what? Despite all the difficulties that he was confronted with, he still won the gold medals for Uncle Sam.

I remember years ago when I attended the 1988 Olympics in Korea and I ran into Dr. Sammy Lee, and I asked him why the Samoan American named Greg Louganis was so good in high-diving. He said, Eni, look at his legs. Greg Louganis has Samoan legs. The reason for this is because of the strength that he gets from his legs. It allows him to jump higher than any of the other divers to do more difficult tricks. I said, Oh, that's a very interesting thing to know.

I've also mentioned many of our young Asian Pacific Americans in the NFL. Today, in the 2010 NFL draft there were seven young men: four Samoans, one Tongan, and one Hawaiian. Probably even more were selected to seven different teams across the Nation.

Sometimes, Mr. Speaker, I usually have to give a lesson in geography when people ask where I'm from—Samoa, not Somalia. But when I mention Troy Polamalu and Junior Seau, they say, Oh, those guys. They're Samoans. They're Asian Pacific Americans. I must also mention that Asian Pacific Americans excelled in the sport of rugby. Many of you may have heard world-renowned New Zealand All Blacks team, whose name, I might add, describes the color of their uniforms and not the skin of the people that play the game. Some of the world's most famous rugby players are of Samoan descent. And the All Blacks team includes Brian Williams, Va'aiga Tuigamala, Tana Umaga, and Michael Jones.

Also of note, a history of discrimination. At the time of apartheid, New Zealand having one of the most powerful rugby national teams, when the South African Springbok team found out there may be a Samoan or Maori that was included in the All Blacks team, they refused to play them because they did not want to associate with these Polynesians or Asian Americans that made up the All Blacks team in New Zealand.

I must also mention in the sport of sumo, as the gentleman from California had alluded to earlier, yes, Asian Pacific Americans also excel in the sport of sumo. I can only mention that the gentleman that started it was a native Hawaiian named Jesse Kuhaulua, whose wrestling name was Takamiyama. He, in turn, trained a Samoan kid by the name of Saleva'a Atisanoa, whose name later became Konishiki. Of course, Konishiki weighed only 570 pounds after they trained him. And, of course, he was able to bench 600 pounds.

And then we have native Hawaiian Akebono, whose name was Chad Rowen. He was about 6'8'' and weighed 500 pounds. Another Samoan Tongan sumo wrestler, also a Yokozuna national champion, by the name of Musashimaru.

As I shared this with my colleagues, I just wanted to mention, Mr. Speaker, in terms of the achievements of these Asian Pacific Americans, in the field of martial arts, the late Chinese American kung fu martial artist Bruce Lee

captivated movie audiences all over the world by destroying the common stereotype of the passive, quiet Asian Pacific American male. The tradition continues today with Jackie Chan and Jet Li.

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Mr. Speaker, recently I had the privilege of presenting the Congressional Horizon Award to someone else of interesting making, a gentleman by the name of Dwayne Johnson, commonly known as the Rock. The Rock was featured in movies such as ''The Scorpion King,'' ''Rundown,'' ''Get Smart,'' ''Grid Iron Gang,'' ''Race to Witch Mountain,'' and most recently the comedy fantasy film ''Tooth Fairy.''

The unique thing about Dwayne Johnson is his father is part African American European and Native American, but his mother is pure Samoan. Now, just about every Samoan alive claims to be related to the Rock, including myself. Recently I had the privilege of presenting the Congressional Horizon Award to Dwayne Johnson for his contributions and volunteer work in enriching the lives of children worldwide. Dwayne Johnson has made numerous contributions, especially towards terminally ill children through his Rock Foundation.

There are also an unprecedented number of Asian Pacific Americans in top government positions, and I think many already may have been mentioned. For example, President Obama appointed Dr. Steven Chu, a Chinese American to be Secretary of Energy. Secretary Chu's extensive work in physics and molecular biology has earned him many accolades. Most notably, he won a Nobel Prize for his work in physics by developing methods to cool and trap atoms in laser light. I don't know what that means, Mr. Speaker, but it must have been something very important.

Dr. Chu's dedication to physics led him to the academic side of research as a teacher of physics and molecular and cellular biology at Stanford University and also U.C. Berkeley University. Concerning global warming, Secretary Chu has been a leading advocate for the research of finding alternative sources of energy, steering away our dependence on fossil fuels. Secretary Chu is the first person ever appointed to a Presidential Cabinet after receiving a Nobel Prize.

Also, another member of the President's Cabinet, Secretary of Veteran Affairs, my dear and good friend, former General Eric Shinseki, a Japanese American born in Hawaii, a graduate of West Point and a decorated veteran who fought in two combat tours in Vietnam. General Shinseki, wounded from his last tour in Vietnam, understands from personal experience the plight of veterans and the support those veterans and their families really need. General Shinseki is also the only Japanese American and Asian American to be promoted to the Army's top position as Chief of Staff of the Army. He was the first 4-star general of Asian descent in the history of our U.S. military.

I can remember well when General Shinseki was asked how many soldiers would it take to take control of Iraq. Strictly from a purely professional opinion as a soldier, not as a politician, he said something in the order of several hundred thousand soldiers. For that he was vilified and severely criticized by civilian authority, namely, former Secretary Rumsfeld and former Deputy Secretary Wolfowitz in saying this is outrageous and not true. And guess what, Mr. Speaker, everything that General Shinseki said was absolutely true. And what did we do? We operated a war in Iraq on the cheap and that is why we have spent 8 years there, costing many more lives simply because of mismanagement and not taking more serious advice from people who know what it means to be in war.

Another Cabinet member of the Obama administration who exemplifies that through hard work the American Dream can come true, is former Governor of the State of Washington, Gary Locke, a Chinese American. Secretary Locke grew up in public housing, put himself through Yale University with loans and scholarships and the money he earned working part-time jobs. After earning his law degree, Locke broke many glass ceilings. In 1993 he became the first Chinese American to be elected to his county as county executive in the State of Washington, city of Seattle. And, of course, he served two terms as Governor of the State of Washington.

As a Vietnam veteran, Mr. Speaker, I would be remiss if I did not say something to honor and respect the hundreds of thousands of Asian Pacific Americans who served then and now in all branches of the armed services to our Nation. As a former member of the U.S. Army Reserve Unit known today as the 100 Battalion 442nd Combat Infantry Group, I would be remiss if I did not share with you the contributions of the tens of thousands of Japanese American soldiers who volunteered to fight our Nation's enemies in Europe during World War II.

As you probably know, after the surprise attack on Pearl Harbor on December 7, 1941, there was such an outrage and outcry for an all-out war against Japan, and days afterwards President Roosevelt right here in this Chamber and the Congress formally declared war against Japan. But out of this retaliation against Japan, over 100,000 Japanese Americans—men, women and children—were caught in the crossfire. Our national government immediately implemented a policy whereby these Japanese Americans were forced to live in what they called relocation camps, but they were actually concentration camps. Their lands, homes, their properties were confiscated without any due process.

My former colleague and former Secretary of Transportation, Norman Mineta, and the late Congressman Bob Matsui from Sacramento spent their early years in these concentration camps. Secretary Mineta shared with us an interesting feature. In the camps they had machine gun nests posted all over the camp. And everyone in the camp was told that the machine guns were necessary to protect them against rioters and others who wanted to harm them. But Secretary Mineta observed if the machine guns were posted to guard and protect us, why is that they are all directed and aimed inside the prison camp compound and not outside.

Mr. Speaker, I submit it was a time in our Nation's history when there was so much hatred and bigotry and racism against our Japanese American community. Despite all this, tens of thousands of Japanese American men volunteered to join the Army, thus leaving their wives, their parents, brothers and sisters behind barbed wire fences to go train in order to fight America's enemies in Europe. As a result of such volunteerism, two combat units were organized. The 100th Battalion and the 422nd Infantry Combat Group were created and immediately sent to fight in Europe. History speaks for itself, Mr. Speaker, documenting that none have shed their blood more valiantly for our Nation than the Japanese American soldiers who served in these two combat units while fighting enemy forces in Europe during World War II.

The military records of the 100th Battalion and the 442nd Infantry are without equal in suffering, in my humble opinion. These Japanese American units suffered an unprecedented casualty rate of 314 percent and received over 18,000 individual decorations, many awarded posthumously for bravery and courage in the field of battle. For your information, 53 Distinguished Service Crosses were awarded for the bravery of these Japanese soldiers; 560 Silver Stars; 9,486 Purple Hearts; and seven Presidential Unit Citations, and I find it unusual that only one Medal of Honor was awarded at that time. Nonetheless, it is noted that the 442nd Infantry Group emerged as the most decorated combat unit of its size ever in the military history of the United States.

President Truman was so moved by the bravery in the field of battle, not only by Japanese Americans but African Americans during World War II, that he issued an executive order to finally desegregate all branches of the armed services. And I am proud to say that Senators DANIEL INOUYE and the late Senator Spark Matsunaga were members of the original units of the 100th Battalion and 442nd Infantry.

I was very, very happy that the House made a change, reinvestigated and as a result of the investigation in 1999, 19 additional Congressional Medals of Honor were given to these Japanese Americans who were members of these combat groups. Senator INOUYE was one of the recipients, and I was

privileged to witness this historic moment at a ceremony at the White House.

Mr. Speaker, looking back on history, I submit to you today that the wholesale and arbitrary abolishment of the constitutional rights of these loyal Japanese Americans should forever serve as a reminder and testament that this must never be allowed to occur again. When this miscarriage of justice unfolded during World War II, Americans of German and Italian ancestry were not similarly jailed en masse. Some declare the incident as an example of outright racism and bigotry in its ugliest form.

After visiting the Holocaust museums in both Washington, D.C. and in Jerusalem, I understand, Mr. Speaker, better why the genocide of some 6 million Jews has prompted the cry, ''never again.'' Likewise, I sincerely hope that the mass internments on the basis of race will never darken the history of our great Nation.

Bruce Yamashita, a Japanese American from Hawaii, was discharged from his training as an officer in the Marine Corps. Marine Corps superiors taunted Bruce with ethnic slurs and told him: We don't want your kind around; go back to your own country.

The situation was made worse when the commandant of the Marine Corps, who appeared on ''60 Minutes,'' said marine officers who are minorities do not shoot, swim or use compasses as well as white officers. Well, the general apologized, but it was too late. After research and investigations, Mr. Yamashita was vindicated and finally commissioned as an officer in the Marine Corps.

Mr. Speaker, when I envision America, I don't see a melting pot designed to reduce and remove racial differences. No, the America I see is a brilliant rainbow, a rainbow of ethnicities, of cultures, different religions and languages with each person proudly contributing in his own distinctive and unique way for a better America.

Asian Pacific Americans wish to find a just and equitable place in our society that would allow them, like all Americans, to grow, to succeed, to achieve, and to contribute to the advancement of this great Nation.

I would like to close my remarks by asking all of us here, my colleagues, and the American people: What is America all about? I think it could not have been said better than on the steps on the Lincoln Memorial in the summer of 1963 when an African American minister by the name of Martin Luther King, Jr., poured out his heart and soul to every American who could hear his voice, when he uttered these profound words: ''I have a dream. My dream is that one day my four little children will be judged not by the color of their skin, but by the content of their character.''

That is what I believe America is all about and that is what I firmly believe that the 16 million Asian Pacific Americans that are a part and fabric of our great Nation, that it will make us even a greater country, by looking at the characters of the people and judging them accordingly and not because of race.

I sincerely hope my colleagues will remember this month of May has been dedicated. It has been my privilege to visit several installations over the course of the 20 years I have been here, to share with the American people the contributions that Asian Pacific Americans have made to our great Nation.

Mr. Speaker, I thank my fellow members of Congress who join us today in honoring Asian Pacific Heritage Month. I also thank the gentleman from California, Mr. HONDA, for his leadership as Chairman of the Congressional Asian Pacific American Caucus, CAPAC, and in requesting this Special Order to allow Members of this institution to pay tribute to and recognize the contributions of the Asian Pacific American community to our nation.

Founded in 1994 by then-Congressman and my dear friend, Norman Mineta, CAPAC has been a strong advocate for the Asian Pacific American community on critical issues such as housing, healthcare, immigration, civil rights, economic development, and education, just to name a few. And so it is fitting that we are gathered here today as advocates for our community to acknowledge the wide-ranging contributions Asian Pacific Americans have made in the history of this great nation.

In 1992, Congress passed a joint Congressional Resolution to designate the month of May to give special recognition of the contributions of our Asian-Pacific American community to our nation. Originally, Congress in 1978 designated the first week of May to commemorate the arrival of the first Japanese immigrants and the completion of the transcontinental railroad that was built by the Chinese laborers. Every year since then, the President would issue an Executive proclamation from the White House to honor this month and direct all federal agencies and military installations throughout the country to conduct special events and ceremonies to honor our Asian-Pacific American communities throughout our country.

I will try and elaborate on the achievements and successes of Asian-Pacific Americans to highlight our rich legacy and diversity but, more importantly, to demonstrate that the greatness of our nation lies in its diversity and ability to accept peoples from all over world, as they pledge themselves to become fellow citizens of this great nation.

Americans of Asian and Pacific Islander descent, over 16 million strong, are among the fastest growing demographic groups in the United States today, even though they make up only 9 percent of our nation's population. According to the U.S. Census Bureau, the Asian American and Pacific Islander community is comprised of over 45 distinct ethnicities and over 28 language groups. In recent years, the Asian-Pacific American population has more than doubled and this rapid growth is expected to continue in the years to come—reaching 40.6 million by 2050, according to the U.S. Census Bureau.

Time will not permit me to share with you the names and contributions of many of our prominent Asian-Pacific American leaders in the fields of law, business, finance, and too many to mention. One only needs to read today's newspaper or a magazine to know that Asian-Pacific American students—both in secondary schools and universities—are among the brightest minds our nation offers to the world. I fully expect that these students—now and in the future—will contribute their talents and expertise to solve major issues and problems confronting our nation and the world.

Many of our prominent business leaders and entrepreneurs are of Asian-Pacific descent. In fact, many of the popular brands and icons that we know today were created by the brilliant minds of Asian-Pacific Americans. For example, the Bose Corporation (note: one syllable, pronounced Boze), which specializes in audio equipment used by historical venues and facilities, such as the Sistine Chapel, the Space Shuttle, and the Olympic stadiums, is currently headed by its founder, Amar Bose—an Indian American. Steve Chen, a Chinese American, and Jawed Karim, a Bangladeshi American, were the co-creators of the popular video sharing Web site, ''YouTube.'' Vera Wang, a Chinese American fashion designer and mogul, established herself as an icon by dressing celebrities and creating one of the most fashionable clothing lines for women in the world.

In the realm of sports, Asian-Pacific Americans have come to the forefront. Of the five Asian-Pacific Americans who competed with Team USA in the recent Winter Olympics—including short track skaters J.R. Celski, Apolo Ohno, and Simon Cho, and snowboarder Graham Watanabe—Chinese American Julie Chu, who helped lead the U.S. women's ice hockey team to a silver medal, is the first Asian American to play for the U.S. Olympic women's ice hockey team. Chu is also the former team captain at Harvard where she became the all-time NCAA leading scorer for women's ice hockey.

Before I share the accomplishments of other Asian-Pacific Americans of Olympic fame, I must first recognize the pioneer of them all—Native Hawaiian Duke Kahanamoku, the first Asian-Pacific American ever to win Olympic gold for the U.S. in the 1912 games. Duke went on to win two more gold and two silver medals. Also considered the ''father of modern surfing,'' Duke was the first person to be inducted to both the Swimming Hall of Fame and the Surfing Hall of Fame.

Other prominent Olympians include: Kevin Tan, a Chinese American who was selected as captain of the U.S. men's gymnastics team in the 2008 summer games; high-diver Greg Louganis, of Samoan descent, who won three gold medals in the 1980s; and high-diver Dr. Sammy Lee, the first Asian-American ever to win Olympic gold for the U.S. in the 1948 Games. Four years after his historic feat, Lee won his second gold medal at age 32, becoming the oldest person to win a gold medal in diving, and the first male diver to win back-to-back gold medals.

As a Korean-American living before the Civil Rights movement, Sammy had to overcome much discrimination to attain his goals. Even finding a place to practice was a struggle. For example, the Brookside pool in Dr. Lee's town would only allow non-Whites to use the pool once a week. Sammy described that at closing, the pool was emptied, and fresh water was brought in the next day. On other days, he would often practice his diving form by jumping onto a sand pile.

After attaining his goals of becoming both an Olympic diver and a medical doctor—which he promised his father—Sammy turned to coaching and not surprisingly, met with great success. He coached one of his most famous students, then sixteen-year old Greg Louganis, to a silver medal in 1976 Summer Olympics in Montreal.

I remember years ago when I attended the 1988 Olympics in Korea and I ran into Dr. Sammy Lee. I asked him why this Samoan-American named Louganis was so good in the art of diving. He said, ''Look at his legs, they are Samoan.'' The reason for this is it gives him the ability to jump higher than any of his Olympic competitors. He could jump higher than anybody. That's what gives him the opportunity to do flips more difficult than any of the others to accomplish.

Asian-Pacific Americans are more prevalent in American sports now than ever before. We have Yao Ming, a Chinese basketball player, playing for the Houston Rockets; Daisuke Matsuzaka, a Japanese baseball player, playing for the Boston Red Sox; and Yutaka Fukufuji, the first Japanese to play for the National Hockey League, who played for the Los Angeles Kings.

I have to also mention our young Asian-Pacific Americans in the NFL. In the 2010 NFL draft, seven young men—four Samoans, one Tongan and one Hawaiian—were selected by seven different teams across the nation. These young men are ambassadors of goodwill and represent the Asian-Pacific Americans of past and present NFL fame—from pioneers such as Al Lolotai who played for the Washington Redskins in 1945, Charles Ane and Rockne Freitas of Detroit Lions, to the likes of Junior Seau of the New England Patriots and Troy Polamalu of the Pittsburgh Steelers.

I must also mention Polynesians' first love which is rugby. Many of you may have heard of the world-renown New Zealand All Blacks team, whose name—I might add—describes the color of their uniforms and not their skin. Some of our famous Samoan rugby legends of the All Blacks include Bryan Williams, Va'aiga Tuigamala, Tana Umaga, and Michael Jones.

Michael Jones, who was noted for his refusal to play on Sundays (including major semifinal matches) due to his strong Christian beliefs, was once asked how a Christian such as himself could be such an uncompromising tackler. In reply, he quoted a scripture from the Bible saying, ''It is better to give than receive.''

Also to note is the history of discrimination that the All Blacks faced in international rugby—most notably, while playing the South Africa Springboks. During a time when the white South African government's apartheid views regarded the black majority as second-class citizens, the South African Rugby Union demanded Maori players be excluded from All Blacks teams. Just recently—in fact, last month—South African rugby has given its first indication that it is willing to apologize to the Maori for this discriminatory practice which occurred decades ago.

Asian-Pacific Americans have also made their name in American rugby teams. I must also mention the successes of a young Samoan-American rugby player by the name of Thretton Palamo, who made his World Cup debut in 2007, becoming the youngest player ever to appear in a World Cup match, eight days after his 19th birthday. Palamo, a strong advocate for the sport, was additionally named as captain for the USA Sevens team at the 2009 World Games in Taiwan.

I must also mention our internationally renown Asian-Pacific Americans who excelled in Japan's most revered and ancient sport—sumo—including: Takmiyama (Native Hawaiian), Konishiki (Samoan), Akebono (Native Hawaiian), and Musashimaru (Samoan-Tongan).

Years ago, an eighteen year old Samoan kid named Saleva'a Atisanoa—then weighing only 384 poinds and an all-state football player intending to play college football—was walking along Waikiki Beach with his buddies when he caught the attention of the famous Native Hawaiian sumo wrestler and teacher, Jesse Kuhaulua or, as he was known as throughout Japan, Takamiyama.

After convincing Salevaa's parents to have their son try sumo wrestling as an optional sport, Takamiyama brought this young man only with a lavalava and a t-shirt on his back, to start a training program so rigorous and demanding that very few foreigners could endure the first six months.

Saleva'a told me that during his six to seven hours of training every day—in which he didn't understand the language—his body would take about every form of pain and physical punishment including hours of stretching, pushing, and pulling. If you want to know how conditioned a sumo wrestler has to be in order to be successful in this ancient sport, he must be able to do the splits just like a seasoned ballerina dancer at an opera concert.

Salevaa's name was changed to Konishiki and weighing in at only 570 pounds and standing 6 feet tall, he took the entire sumo wrestling world to a different level. His success in winning matches within two years usually would take most sumo wrestlers five years to, achieve. Although he achieved the second highest level in sumo, which was Oyeki, Konishiki became a household name throughout Japan, and was forerunner to two other Polynesian sumo wrestlers who eventually became Yokozuna, or grand champions.

Indeed, these two sumo wrestlers scaled even greater heights by attaining the highest status in this ancient Japanese sport. A native Hawaiian, Chad Rowen or Akebono as he is known in Japan became Yokozuna. Of course, he weighed about 500 pounds and stood 6 feet 8 inches tall. The other was Samoan-Tongan American Fiamalu Penitani, also known as Musashimaru who tipped the scale at 550 pounds and stood 6 feet 4 inches.

In the field of martial arts, the late Chinese-American kung-fu martial arts expert Bruce Lee captivated the movie audiences all over the world by destroying the common stereotype of the passive, quiet Asian-Pacific American male, and the tradition continues today with Jackie Chan and Jet Li.

Now, another sports and movie icon moving his way through the movie industry—and believed to be the heir apparent to Sylvester Stallone and Arnold Schwarzenegger—is none other than the former World Wrestling Entertainment champion wrestler, Dwayne Johnson, or commonly known as the Rock. The Rock was featured in movies such as the Scorpion King, Rundown, Get Smart, Grid Iron Gang, Race to Witch Mountain, and most recently the comedy fantasy film Tooth Fairy.

The thing unique about Dwayne Johnson is that his father is of African, European, and Native American descent, but his mother is pure Samoan. Now, just about every Samoan alive claims to be related to the Rock, including myself.

Recently I had the privilege of presenting the Congressional Horizon Award to Chief Seiuli Dwayne ''The Rock'' Johnson for his contributions and volunteer work in enriching the lives of children worldwide. Dwayne Johnson has made numerous contributions—especially towards terminally-ill children—through The Rock Foundation.

There are also an unprecedented number of Asian-Pacific Americans in top government positions, and these leaders were not appointed to their positions because of their race and heritage but because they bring vast knowledge, experience and different viewpoints that their APA backgrounds have contributed to.

For example, President Obama appointed Steven Chu, a Chinese American, to be the Secretary of Energy. Secretary Chu's extensive work in physics and molecular biology has earned him accolades and achievements throughout the world—most notably he won a Nobel Prize for his work in physics by developing methods ''to cool and trap atoms with laser light.''

Chu's dedication to physics led him to the academic side of research, as a teacher of physics and molecular and cellular biology at Stanford and UC Berkley. Concerning global warming, Secretary Chu has been a leading advocate for the research of finding alternative sources of energy, and steering away from our dependence on fossil fuels. Secretary Chu is the first person ever appointed to the Cabinet after receiving a Nobel Prize.

Our newest Secretary of Veteran Affairs, my good friend General Eric Shinseki, is a Japanese American born in Hawaii, a graduate of West Point, and is a decorated veteran who fought in two combat tours in Vietnam. Secretary Shinseki, wounded from his last tour in Vietnam, understands from personal experience the plight of veterans and the support those veterans and their families need. General Shinseki is also the only Japanese American and Asian American to be promoted to the Army's top position, and was the first four-star general of Asian descent in the history of our U.S. military.

As the Army Chief of Staff during the beginning stages of the war in Iraq, Shinseki publicly clashed with Secretary of Defense Rumsfeld over how many troops the U.S. would need to keep in postwar Iraq. Shinseki testified to the U.S. Senate Armed Services Committee that ''something in the order of several hundred thousand soldiers'' would probably be required for postwar Iraq, an estimate far higher than the figure being proposed by Secretary Rumsfeld.

As many of you know, Shinseki's counsel was ultimately rejected in strong language by both Rumsfeld and his Deputy Secretary of Defense Paul Wolfowitz and when the insurgency took hold, his comments and their public rejection were often cited by those who felt the Bush administration deployed too few troops. In his November 2006 testimony before Congress, CENTCOM Commander Gen. John Abizaid stated that General Shinseki had in fact been correct that more troops were needed.

Another cabinet member in Obama's Administration, who has exemplified that with hard

work the American dream can come true, is former Governor of the State of Washington Gary Locke, a Chinese American. Locke grew up in public housing and put himself through Yale University with loans, scholarships and the money he earned working part-time jobs. After earning his law degree, Locke broke many glass ceilings. In 1993, he became the first Chinese American to be elected his county's County Executive, and in 1996, he became the first Chinese American to be governor of a state, serving the maximum of two terms.

Secretary Locke's family history is also an important one to emphasize, as it is one of many hardships that our Asian-Pacific American communities have faced. In an interview, Locke mentioned that his grandfather might have claimed that he was born in the U.S. and that the documents were destroyed. Some of you may know that in 1882 our government institutionalized racial discrimination against Chinese immigrants where they were banned from entering the United States. The Chinese people living in the U.S. at the time were excluded from becoming American citizens. And because of the restrictions of this law, it was nearly impossible for Chinese families to reunite. This Exclusion Act was repealed only 66 years ago. Locke's grandfather could have been one of the few Chinese immigrants who managed to get into the Untied States through ruses of lost documentation, while the immigration of people from all over Europe was unlimited.

Another prominent Obama appointee is Harold Koh, a Korean American, who currently serves as Chief Legal Counsel for the Department of State. What's interesting about Koh's background is that his father, a legal scholar and diplomat, was granted asylum in the U.S. after a military coup in Korea. Moving their family to Connecticut, he and Koh's mother soon became the first Asian Americans to teach at Yale University.

As a Vietnam veteran, I would be remiss if I do not say something to honor and respect the hundreds of thousands of Asian-Pacific Americans who served then and now in all branches of the armed services of our Nation.

As a former member of the U.S. Army's Reserve unit, known today as the 100th Battalion and 442nd Infantry Combat group, I would be remiss if I did not share with you the contributions of the tens of thousands of Japanese American soldiers who volunteered to fight our Nation's enemies in Europe during World War II.

As you probably know, after the surprise attack on Pearl Harbor on December 7, 1941, there was such an outrage and cry for an all out war against Japan and days afterwards our President and the Congress formally declared war. Out of this retaliation against Japan, over 100,000 Japanese Americans were caught in the crossfire.

Our national government immediately implemented a policy whereby these Japanese-Americans were forced to live in what were called relocation camps, but were actually more like prison or concentration camps. Their lands, homes and properties were confiscated by the military without due process of law.

My former colleague and former U.S. Secretary of Transportation, Norman Mineta, and the late Congressman Bob Matsui from Sacramento spent the early years of their lives in these prison camps. Secretary Mineta shared one of the interesting features of these prison camps was the many machine gun nests posted all around.

Everyone in the camps was told that these machine guns were necessary to protect them against rioters or others who wanted to harm them. But then-Secretary Mineta observed, ''If these machine guns are posted to guard and protect us, why is it that they are all directed and aimed inside the prison camp compound and not outside?''

It was a time in our Nation's history when there was so much hatred, bigotry and racism against our Japanese American community. Despite all this, the White House accepted the request of tens of thousands of the Japanese Americans to volunteer to join the Army, thus leaving their wives, parents, brothers and sisters behind barbed wire fences. As a result of such volunteerism, two combat units were organized. The 100th Battalion and the 442nd Infantry Combat Group were created and immediately were sent to fight in Europe.

In my humble opinion, history speaks for itself in documenting that none have shed their blood more valiantly for our Nation than the Japanese American soldiers who served in these two combat units while fighting enemy forces in Europe during World War II. The military records of the 100th Battalion and 442nd Infantry are without equal in suffering. These Japanese American units suffered an unprecedented casualty rate of 31.4%, and received over 18,000 individual decorations, many awarded posthumously, for bravery and courage in the field of battle.

For your information, 53 Distinguished Service Crosses, (the second highest medal given for heroism in combat), 560 Silver Stars (third highest medal), 9,486 Purple Hearts, and 7 Presidential Unit Citations, the Nation's top award for combat units, were awarded to the Japanese American soldiers of the 100th Battalion and 442nd Infantry Group. I find it unusual however, that only one Medal of Honor was awarded at the time. Nonetheless, the 442nd Infantry Group emerged as the most decorated combat unit of its size in the history of the United States Army.

President Truman was so moved by their bravery in the field of battle, as well as that of African American soldiers during World War II, that he issued an Executive Order to finally desegregate all branches of the Armed Services.

I am proud to say that we must recognize Senator DANIEL K. INOUYE and the late, highly respected Senator Spark Matsunaga of Hawaii, who distinguished themselves in battle as soldiers with the 100th Battalion and 442nd Infantry.

It was while fighting in Europe that Senator INOUYE lost his arm while engaged in his personal battle against two German machine gun posts. For his heroism, he was awarded the Distinguished Service Cross. As a result of a Congressional mandate that was passed in 1999 to review the military records of these two combat units, President Clinton presented 19 Congressional Medals of Honor to the Japanese Americans who were members of these two combat groups. Senator INOUYE was one of those recipients of the Medal of Honor and I was privileged to witness this historical moment at a White House ceremony.

Just last May, the House unanimously passed H.R. 347, thus granting the Congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

Looking back on history, I submit to you today, that the wholesale and arbitrary abolishment of the constitutional rights of these loyal Japanese Americans should forever serve as a reminder and testament that this must never be allowed to occur again. When this miscarriage of justice unfolded during World War II, Americans of German and Italian ancestry were not similarly jailed en masse. Some declare the incident as an example of outright racism and bigotry in its ugliest form.

After visiting the Holocaust museums in both Washington, DC and in Jerusalem, I understand better why the genocide of 6 million Jews has prompted the cry, ''Never Again.'' Likewise, I sincerely hope that mass internments on the basis of race will never again darken the history of our great Nation.

To those who say, well, that occurred decades ago, I say we must continue to be vigilant in guarding against such evil today.

Not long ago we had the case of Bruce Yamashita, a Japanese American from Hawaii who was discharged from the Marine Corps officer training program in an ugly display of racial discrimination. Marine Corps superiors taunted Yamashita with ethnic slurs and told him, ''We don't want your kind around here. Go back to your own country.'' The situation was made worse by the Commandant of the Marine Corps, General Carl E. Mundy, who appeared on television's ''Sixty Minutes'' and stated, ''Marine officers who are minorities do not shoot, swim or use compasses as well as white officers.''

After years of perseverance and appeals, Mr. Yamashita was vindicated after proving he was the target of vicious racial harassment during his officer training program. The Secretary of the Navy's investigation into whether minorities were deliberately being discouraged from becoming officers resulted in Bruce Yamashita receiving his commission as a captain in the Marine Corps.

When I envision America, I don't see a melting pot designed to reduce and remove racial differences. The America I see is a brilliant rainbow—a rainbow of ethnicities, cultures, religions and languages with each person proudly contributing in their own distinctive and unique way for a better America. Asian-Pacific Americans wish to find a just and equitable place in our society that will allow them—like all Americans—to grow, to succeed, to achieve and to contribute to the advancement of this great Nation.

I would like to close my remarks by asking all of us here—what is America all about? I think it could not have been said better than on the steps of the Lincoln Memorial in that summer of 1963 when an African American minister by the name of Martin Luther King, Jr. poured out his heart and soul to every American who could hear his voice, when he uttered these profound words, ''I have a dream. My dream is that one day my four little children will be judged not by the color of their skin, but by the content of their character.''

That is what I believe America is all about.

Mr. HONDA. I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA). You have covered a lot of ground. To add a little bit to

what you indicated about the internment, during that process of studying the internment, the Commission on Wartime Internment, I believe it was 1985, they came to a conclusion based upon a study that the internment was based upon a racial prejudice, war hysteria and the failure, the failure of political leadership. I believe that is why these kinds of opportunities for us to be able to share our history, our involvement, our contributions in who we are as Americans are critical. I appreciate your help in this.

It is also the episode of the Filipino veterans who were asked by President Roosevelt to serve in the U.S. Army and also by General MacArthur who said that participating in the effort against the Japanese Imperial Army would bring them the possibility of citizenship and also full veterans benefits. Six months after the war, two precisely written rescission acts were written in the budget in 1946 specifically eliminating that possibility and that promise to those who had fought side by side with our soldiers in the Philippines.

□ 2045

These Filipino veterans fought side by side, protected them against the Japanese atrocities during the Bataan Death March, masterminded the release of the largest amount of POWs from Japanese POW camps in the Philippines, and they still, today, carry the pride and the dignity of a veteran. And just recently, we were able to provide them some compensation but did not match the promise that we had offered them as Congress, as a country, and as a government.

So I stand here as a Member of Congress, a Congress that is an organic, living being, that should be responsible for its past, its present, and its future. And certainly in this area we did not do great justice to our brethren who fought alongside of our own soldiers.

The area of comprehensive immigration reform is another area that our Nation needs to address. Our Nation was founded by immigrants who valued freedom and liberty, who sought to be free from persecution, from tyranny. Families fled from their home countries to seek refuge in the great Nation because they too believed in life, liberty, and freedom for all.

It is in this spirit that CAPAC supports immigration legislation that shifts the debate from the exclusionary, anti-immigrant, enforcement-only approach to one that confronts the social and economic realities behind immigration, honors the dignity of all families and communities, and recognizes the economic, social, and cultural contributions of immigrants to our great country.

Today, AAPIs constitute a growing and vibrant piece of the American fabric. In 2007, approximately 10.2 million of the Nation's foreign born were born in Asia, constituting over 1 quarter of the foreign-born population and over one-half the total AAPI population. Even with the relatively high naturalization rate, Asian undocumented immigrants living, working, or studying in the U.S. represent approximately 12 percent of the undocumented immigrants in the U.S.

We must also recognize that reuniting families gives strength to American communities and is the bedrock of a vibrant and a stable economy. We must eliminate the long backlogs keeping families apart for years and often decades. Let's keep families together. By strengthening the social fabric of our communities and integrating workers, we can get our economy back on track, while reuniting American workers with their families. CAPAC is prepared to work with our colleagues to push through the long-deferred changes needed to ensure a fair, efficient, and secure immigration system.

Mr. FALEOMAVAEGA. Will the gentleman yield?

Mr. HONDA. Certainly.

Mr. FALEOMAVAEGA. I just want to again offer my commendation to the gentleman for his tireless service and also for his leadership in moving so very many important issues affecting the needs of our Asian Pacific American community in the course of the numbers of years that you have served as chairman. And I speak, I'm sure, on behalf of our colleagues and members of our Asian Pacific Congressional Caucus in doing such a splendid job.

My understanding, I think Monday the President's going to invite us to the White House to honor, this month, all the Asian Pacific Americans. And as you said earlier, President Obama is a Hawaiian. He's a Pacific Islander, the first President who at least knows where the Pacific Ocean is.

Mr. HONDA. Well, that's news to me.

Thank you very much. As Chair, I appreciate that information in public. That's wonderful news. And we've been waiting for an invitation for this month, and I appreciate my colleague for that information. And I'll get my suit pressed.

So, Mr. Speaker, a common misperception of AAPIs is that, as a group, we face fewer health problems than other racial and ethnic groups. In fact, Asians, as a group, and specific populations within this group, do experience disparities in health and health care. For example, Asian Pacific Islanders have the highest hepatitis B rates of any racial group in the United States. We must bring attention to and educate our communities about prevention of hepatitis B through testing and vaccination.

In the United States, 12 million people have been infected at some time in their lives with hepatitis B virus, and more than 5,000 Americans die from hepatitis B-related liver complications every year. Asian Americans and Pacific Islanders account for more than half of the chronic hepatitis B cases and half of the deaths resulting from chronic hepatitis B infections in the United States.

In order to break this silence surrounding this deadly disease and bring awareness to the American people, Congressman EDOLPHUS TOWNS, Congressman CHARLIE DENT, Congressman ANH CAO, and I have introduced the Viral Hepatitis and Liver Cancer Control and Prevention Act. And I hope my colleagues will join me in supporting a Federal strategy to prevent, treat, and manage viral hepatitis, and we invite them to join us.

In education, immigration reform and health expansion is also expanding educational access for all Americans. That's also a high priority for CAPAC. Education is at the very center of our democratic meritocracy, and it is imperative that every American child be afforded a true opportunity to achieve their highest potential.

I have reintroduced the Education Opportunity and Equity Commission Act, H.R. 1758, to begin the process of overhauling the country's education system and to finally address the disparities among America's schools. This legislation creates a national commission charged with gathering public opinions and insights about how government can improve education and eliminate disparities in the educational system. I hope that you'll join me as a cosponsor to this legislation among my colleagues. We must remember the needs of all young people, including Asian American and Pacific Islander students, many of whom struggle in low-income communities, refugee communities, and do not have sufficient English skills.

According to the 2000 census, only 9.1 percent of Cambodian Americans, 7.4 of Hmong Americans, 7.6 percent of Lao Americans, and 19.5 percent of Vietnamese Americans and 16.5 percent of Native Hawaiians and Pacific Islanders who are 25 years and older have a bachelor's degree or higher degree. These numbers show that we must do better. We must do a better job of disaggregating data and information about our communities to assess the needs of those hardworking Americans who still falter behind.

To address the disparities between subgroups of the larger AAPI community, we must support greater funding for Asian American and Pacific Islander-serving institutions. This program provides Federal grants to colleges and universities that have an enrollment of undergraduate students that is at least 10 percent AAPI and lets 50 percent of its degree-seeking students receive financial assistance.

On behalf of the Congressional Asian Pacific American Caucus, Congressman DAVID WU and I will work to strengthen the Asian American Pacific Islander-serving institutions program to increase the availability of loan assistance, scholarships and programs to allow AAPI students to attend a higher education institution, to ensure full funding for teachers and bilingual education programs under the No Child Left Behind law to support English language learners, and to support full

funding of minority outreach programs for access to higher education such as the TRIO programs, to expand services to serve AAPI students.

Now, there's a lot of firsts, as has been mentioned before by my colleagues. But before I start that, I just wanted to mention that there was a gentleman by the name of Dalip Singh Saud, who, in 1957, became the very first Asian American, Sikh American to be in the Halls of Congress. But he had to overcome some of the anti-Asian legislation that was on our books. Namely, there was one. One was the Chinese Exclusion Act. Another one was the Asian Exclusion Act that particularly named Asians as unfit to be citizens, and then they folded into Americans.

The studies among scholars say that the Indo American folks from that peninsula are not of the Mongolian race but of the Caucasian race. Very wisely, this person, Dalip had argued, as an attorney in the courts, saying that people of his background are not part of the race, are not part of the targeted group. He was able to convince them to change that law that allowed him to run for Congress and become a Representative and walk in the Halls of Congress. He broke the very first rib in the anti-Asian law, and then continued to do that, where folks like Bob Matsui, Norm Mineta and others like myself and ENI are able to serve here. So I just want to recognize him.

And a portrait hangs in the staircase. Going from this floor to the bottom floor, there's a portrait of Congressman Singh that hangs there, and I just would like to point that out to folks, so when they come and visit, or our Members go down those stairs, that they look up and recognize the person who had been first to break some of the glass ceilings and anti-Asian legislation that kept us from participating.

Very quickly, other firsts were the first person to graduate from Yale University was Yung Wing in 1847. In 1863, William Ah Hang, a Chinese American, became the first to enlist in the U.S. Navy, during the Civil War. And none of them were able to become citizens because of the anti-Asian laws that disqualified them from being citizens. A.K. Mozumdar, in 1915, became the first Indian-born person to earn U.S. citizenship. In 1922, Anna May Wong had her lead role in ''Toll of the Sea'' at the age of 17.

Mr. Speaker, following is my statement in its entirety.

Mr. Speaker, I rise today to recognize the Asian American and Pacific Islander community and to commemorate Asian Pacific American Heritage Month.

As Chair of the Congressional Asian Pacific American Caucus, CAPAC, I feel privileged to be here tonight with my colleagues to speak of the Asian and Pacific Islander American history and accomplishments.

Additionally, I will be highlighting those issues affecting our community and the priorities for CAPAC.

In celebrating APA Heritage Month, I want to give thanks to the late Representative Frank Horton from New York and my good friend, former Secretary Norman Mineta, along with Senators DANIEL INOUYE and Spark Masayuki Matsunaga.

It is because of their efforts that May is now designated as Asian Pacific American Heritage Month.

The first 10 days of May coincide with two important anniversaries: the arrival of the first Japanese immigrants on May 7, 1843 to the U.S. and the completion of the transcontinental railroad on May 10, 1869.

In 1992, Congress passed Public Law No: 102–450, the law that officially designated May of each year as ''Asian Pacific American Heritage Month.''

NORM MINETA

Today, I along with Congresswoman JUDY CHU introduced a resolution honoring the accomplishments of my dear friend Norm Mineta, who cut his teeth in politics in California's 15th district in Silicon Valley which I represent.

Throughout his career, Norm has broken through many glass ceilings for himself, but also for the rest of us.

He is a close personal friend, and I consider him a dear mentor.

Norm was the first Asian American mayor of a major city, the first Asian American to hold a presidential cabinet position.

Not only did he pierce through glass ceilings, he dedicated much of his energies building the infrastructure needed for the Asian American and Pacific Islander to grow and thrive to what it is today.

Norm had a hand in establishing and/or strengthening so many of our key national organizations.

These span from: policy advocacy coalitions like the National Council of Asian Pacific Americans; to voter engagement organizations like APIA Vote; to organizations and fellowship programs that develop the future leaders of our community, such as the Asian Pacific American Institute for Congressional Studies; to the Congressional Asian Pacific American Caucus, which I chair today.

CAPAC is a caucus of Members dedicated to representing the interests of underserved Asian Americans and Pacific Islanders, and I am proud to honor Norm Mineta today through this resolution, along with Congresswoman CHU.

SERVICE IN CONGRESS

The ranks of Asian American Pacific Islander Members of Congress also increased this Congress with the election of ANH ''JOSEPH'' CAO from Louisiana's second district, GREGORIO KILILI CAMACHO SABLAN, from the Northern Mariana Islands, and CAPAC's newest member, Representative JUDY CHU from California's 32nd District.

Representative CAO has the distinction of being the first Vietnamese-American elected to Congress.

Representative SABLAN is the first Member to represent the Northern Marianas, and the only Chamorro person serving in Congress today.

And Representative CHU is the first Chinese-American woman elected to Congress.

Representatives CAO, SABLAN, and CHU are also the newest members of the CAPAC executive board. Our newest associate members are Representatives JOSEPH CROWLEY of New York, and Representative JOHN CONYERS of Michigan.

It is a testament to our evolving national character as a nation of immigrants to have our newest members of Congress come from upbringings beyond our shores.

President Barack Obama has a deep understanding of the AAPI community, and many milestones celebrated may be attributed to his commitment to our community.

He has made significant outreach efforts through the reestablishment of the White House Initiative on AAPIs to coordinate multi-agency efforts to ensure more accurate data collection and access to services for this community.

The Presidential Cabinet includes a record three Asian Americans: Energy Secretary Steven Chu; Commerce Secretary Gary Locke, and Veterans Affairs Secretary Eric Shinseki.

The President has also demonstrated commitment to judicial diversity through the nomination of high caliber Asian American and other minority jurists at all levels of the Federal bench.

We are also barely visible in corporate America, underrepresented in political offices throughout the country, and misportrayed in our mainstream media.

As our community expands we must also continue to educate our fellow citizens about the uniqueness of our experiences.

Despite the daunting challenges we face, this is a time of great optimism and hope for the Asian America Pacific Islander American (AAPI) communities.

We are marking APA Heritage Month with an American President with close ties to Asia.

President Obama grew up in Hawaii and Indonesia, his sister is half-Indonesian, his brother-in-law is Chinese-Canadian, and he has maintained close ties with Asian friends and colleagues throughout his life.

I encourage my congressional colleagues to learn more about the AAPI population in their districts and become a member of CAPAC.

There is a stereotype that all Asians are healthy, wealthy and wise.

However, our community is extremely diverse in our languages, ethnicities, income, educational attainment, language capabilities, special needs, and challenges.

Stereotypes about our communities make it difficult to understand the unique problems faced by individual communities and subgroups.

Data that is disaggregated by ethnicity for our various communities is hard to come by, but critical to understanding where we must direct Federal attention.

As a country, we need to better address the needs of the AAPI community when we discuss comprehensive immigration reform, healthcare, economic recovery, and education.

Today, the AAPI community is quickly expanding. Currently, there are approximately 16.6 million AAPIs living in the United States.

There are approximately 45 distinct ethnic groups within our populations, speaking various dialects within each group.

It is certainly a diverse community, and one of the fastest growing ethnic groups in the U.S.

By 2050, the Asian Pacific Islander population is expected to more than double, and reach 40.6 million, or 9 percent of the population.

My home State of California has both the largest Asian population at 5.1 million. The States of New York and Texas followed at 1.5 million, and close to 1 million respectively.

The population is also growing States beyond the usual hubs of New York and California.

We are also seeing growth in other areas in our country, such as Virginia, Nevada, Minnesota, Louisiana, Texas, Pennsylvania, and Florida.

COMPREHENSIVE IMMIGRATION REFORM

Mr. Speaker, our Nation was founded by immigrants who valued freedom and liberty, who sought to be free from persecution from tyranny.

Families fled their home countries to seek refuge in this great Nation because they, too, believed in ''Liberty, Justice, and Freedom for All.''

It is in this spirit that CAPAC supports immigration legislation that shifts the debate from an exclusionary, anti-immigrant, enforcement-only approach, to one that confronts the social and economic realities behind immigration, honors the dignity of all families and communities, and recognizes the economic, social, and cultural contributions of immigrants to our great country.

Today, AAPIs constitute a growing and vibrant piece of the American fabric.

In 2007, approximately 10.2 million of the Nation's foreign-born were born in Asia, constituting over one quarter of the foreign born population, and over one half of the total AAPI population.

Even with a relatively high naturalization rate, Asian undocumented immigrants living, working, or studying in the U.S. representing approximately 12 percent of undocumented immigrants in the U.S.

We must also recognize that reuniting families gives strength to American communities and are the bedrock of a vibrant and stable economy.

We must eliminate the long backlogs keeping families apart for years often decades.

Let's keep families together.

By strengthening the social fabric of our communities and integrating workers, we can get our economy back on track while reuniting American workers with their families.

CAPAC is prepared to work with our colleagues to push through the long-deferred changes needed to ensure a fair, efficient, and secure immigration system.

HEALTH

Mr. Speaker, a common misperception of AAPIs is that as a group, we face fewer health problems than other racial and ethnic groups.

In fact, AAPIs as a group, and specific populations within this group, do experience disparities in health and healthcare.

For example, AAPIs have the highest Hepatitis B rates of any racial group in the U.S.

We must bring attention to and educate our communities about prevention of Hepatitis B through testing and vaccination.

In the United States, 12 million people have been infected at some time in their lives with the hepatitis B virus, and more than 5,000 Americans die from hepatitis B-related liver complications each year.

Asian Americans and Pacific Islanders account for more than half of the chronic hepatitis B cases and half of the deaths resulting from chronic hepatitis B infection in the United States.

In order to break the silence surrounding this deadly disease and bring awareness to the American people, Congressman EDOLPHUS TOWNS, Congressman CHARLIE DENT, Congressman ANH CAO, and I have introduced Viral Hepatitis and Liver Cancer Control and Prevention Act.

I hope my colleagues will join me in supporting a Federal strategy to prevent, treat, and manage viral hepatitis.

EDUCATION

In addition to immigration reform and health, expanding educational access for all Americans is also a high priority for CAPAC.

Education is at the very center of our democratic meritocracy, and it is imperative that every American child be afforded a true opportunity to achieve their highest potential.

I have re-introduced the Educational Opportunity and Equity Commission Act, H.R. 1758, to begin the process of overhauling the country's education system and to finally address the disparities among America's schools.

This legislation creates a national commission charged with gathering public opinions and insights about how government can improve education and eliminate disparities in the education system.

I hope you will join me as a cosponsor to this legislation.

We must remember the needs of all young people, including Asian American and Pacific Islander students, many of whom struggle in low-income communities, refugee communities, and do not have sufficient English skills.

According to the 2000 Census, only 9.1 percent of Cambodia Americans; 7.4 percent Hmong Americans; 7.6 percent Lao Americans; and 19.5 percent Vietnamese Americans, and 16.5 percent of Native Hawaiians and Pacific Islanders who are 25 years and older have a bachelor's or higher degree.

These numbers show we must do a better job of disaggregating data and information about our communities to assess the needs of those hard working Americans who still falter behind.

To address the disparities between subgroups of the larger AAPI community, we must support greater funding for Asian American and Pacific Islander Serving Institutions.

This program provides federal grants to colleges and universities that have an enrollment of undergraduate students that is at least 10 percent AAPI, and at least 50 percent of its degree-seeking students receive financial assistance.

On behalf of the Congressional Asian Pacific American Caucus, Congressman DAVID WU and I will work to strengthen the Asian American and Pacific Islander Serving Institutions Program: to increase the availability of loan assistance, scholarships, and programs to allow AAPI students to attend a higher education institution; to ensure full funding for teachers and bilingual education programs under the No Child Left Behind law to support English language learners; and to support full funding of minority outreach programs for access to higher education, such as the TRIO programs to expand services to serve AAPI students.

AAPI ''FIRSTS''

I am proud of our community's accomplishments and I would like to recognize many of the AAPI firsts in areas of art, film, sports, sciences, academia, and politics.

In 1847, Yung Wing, a Chinese American, graduated from Yale University and became the first AAPI to graduate from an American university.

In 1863, William Ah Hang, a Chinese American, became the first AAPI to enlist in the U.S. Navy during the Civil War.

In 1913, A.K. Mozumdar became the first Indian-born person to earn U.S. citizenship, having convinced the court that he was ''Caucasian,'' and therefore met the requirements of naturalization law that restricted citizenship to free white persons.

In 1922, Anna May Wong, in her lead role in ''The Toll of the Sea'' at the age of 17, became the first AAPI female to become a movie star, achieving stardom at a time when prejudice against Chinese in the U.S. was rampant.

In 1944, An Wang—a Chinese American who invented the magnetic core memory—revolutionized computing and served as the standard method for memory retrieval and storage.

During World War II, the 442nd Regimental Combat Team of the U.S. Army, comprised mostly of Japanese Americans, became the most highly decorated unit of its size in the history of the U.S. Army, including 22 Medal of Honor recipients.

In 1946, Wing F. Ong—a Chinese American of Arizona—became the first AAPI to be elected to a state office.

In 1947, Wataru ''Wat'' Misaka became the first ethnic minority and the first AAPI to play in the National Basketball Association for the New York Knicks.

In 1948, two Californian divers, Dr. Samuel Lee, a Korean American, and Victoria Manalo Draves, a Filipina American, became the first AAPIs to win Olympic gold medal for the U.S.

In 1956, Dalip Singh Saud, an Indian American, became the first AAPI to be elected to Congress.

In 1959, Hiram Leong Fong, a Chinese American, became the first AAPI to be elected as a United States Senator, and is the only AAPI to actively seek the Presidential nomination of a majority party.

In 1965, Patsy Takemoto Mink, a Japanese American, became the first AAPI woman and woman of color elected to Congress.

In 1971, Judge Herbert Choy, late Ninth Circuit Court judge, became the first AAPI to sit on the federal bench.

In 1985, Haing Ngor, a Cambodian American survivor of the Khmer Rouge regime, became the first AAPI to win an Academy Award for his role in the ''Killing Fields'' movie.

In 1985, Ellison Onizuka, grandson of Japanese immigrants, became the first AAPI astronaut in to reach outer space, and in 1986 died in the space shuttle Challenger explosion.

In 1989, Chinese American Julia Chang Bloch became the first AAPI ambassador in the history of the U.S. diplomatic core. She served as ambassador to the Kingdom of Nepal.

In 1990, Indian American Shirin R. Tahir-Kheli became the first AAPI and first Muslim ambassador to represent the U.S. at the United Nations; and the first Muslim senior government official appointed by the President and confirmed by the Senate.

In 1995, Filipina American Sumi Sevilla Haru became the first AAPI to head an international union (AFL–CIO).

In 1999, Filmmaker M. Night Shyamalan makes history with his film ''The Sixth Sense'' becoming one of the all-time highest-grossing films worldwide, and Rep. DAVID WU becomes the first Chinese American elected to Congress.

In 2000, Secretary Norman Mineta was confirmed as Secretary of Commerce under President Clinton, and became the first AAPI to hold a Cabinet post.

In 2001, Secretary Elaine Chao was confirmed as Secretary of Labor under President George W. Bush, becoming the first AAPI female to hold a Cabinet position.

In 2005, Chinese American Director Ang Lee was the first Asian American to win an Academy Award for Best Director for his film Brokeback Mountain.

In 2007, Bobby Jindal became the first South Asian American governor of a U.S. state, and Judge Amul Thapar became the first South Asian judge on the federal bench.

As I mentioned earlier, this Congress, Representative CAO is the first Vietnamese-American elected to Congress.

Representative SABLAN is the first Member to represent the Northern Marianas, and the only Chamorro person serving in Congress today.

And Representative CHU is the first Chinese-American woman elected to Congress.

President Obama has made history by appointing three Asian Americans in a single presidential cabinet: namely Veterans Affairs Secretary Eric Shinseki; Commerce Secretary Gary Locke, and Energy Secretary Steven Chu.

CONCLUSION

Mr. Speaker, the Asian American and Pacific Islander community continues to fight for our civil rights as Americans.

Even after the Chinese Exclusion Act, the internment of the Japanese Americans during World War II, post-9/11 racial profiling and hate crimes, we as a community did not grow embittered, or cowed by discrimination; instead, we progressed and moved forward.

I am proud to be a member of the Asian American and Pacific Islander community, because we continue to serve as positive contributors to our many communities by investing in education, business, and cultural opportunities for all Americans.

In closing, this Asian Pacific American Heritage Month, we take pride in our history, accomplishments, and the promise of our future as we continue to pave the way for a better tomorrow.

The struggles for AAPIs are in large part the same challenges all Americans face. We want a good, transparent government. We want our communities to have a place at the decision-making table, and for our voices to be heard.

GENERAL LEAVE

Mr. HONDA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the subject of my special order.

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

There, was no objection.

Mr. AL GREEN of Texas. Mr. Speaker, on the occasion of this year's Asian Pacific American Heritage Month, I would like to recognize the history and contributions that Asian Pacific Americans have made to the development and progress of this country.

Today, 16.6 million Asian Pacific Americans—approximately 5 percent of the population—call the United States their home. More than 70,000 call the 9th Congressional District of Texas home. And they represent 30 countries and ethnic groups that speak over 100 different languages.

The first Asian Pacific Americans—Filipinos—established a community in present-day Louisiana in 1763 after fleeing mistreatment aboard Spanish ships. Since this beginning, the Asian Pacific American community came to encompass Native Hawaiians who served in the American Civil War, Chinese laborers who built the western end of the Transcontinental Railroad, Japanese Americans interned by the U.S. government during World War II, and extraordinary individuals who continue to shape our nation's history and aspirations.

Today, Asian Pacific Americans have achieved success in many areas. Figures such as Minoru Yamasaki, I. M. Pei, Maya Lin, and Gyo Obata designed magnificent structures including the World Trade Center and the Vietnam War Memorial in Washington, DC.

Authors like Maxine Hong Kingston, Amy Tan, Jumpha Lahiri, and Ha Jin communicate the Asian Pacific American experience through their writing.

The 40 Asian Pacific Americans who have served in Congress since 1903 have been ardent advocates for their community. They include Jonah Kuhio Kalaniana'ole, the first Asian Pacific American in Congress, and Representative Patsy Mink, the first Asian Pacific American woman elected to Congress.

Academics Ji-Yeon Yuh, Gary Okihiro, Madeline Hsu, Ronald Takaki, Frank Wu, Kenji Yoshino, and Karen Umemoto, continue to challenge our world view through their scholarship.

Entertainers such as Lucy Liu, George Takei, Bruce Lee, Yo-Yo. Ma, Sarah Chang, Ne-Yo, Norah Jones, Leehom Wang, Margaret Cho, and Wah Chung to break stereotypes and showcase the diversity in the Asian Pacific American community.

Despite many successful individuals and the significant progress Asian Pacific Americans have made in this country, they continue to face challenges that hinder their ability to achieve the American Dream.

12.6 percent of Asian Pacific Americans live below the poverty line compared to 12.4 percent for the United States population as a whole. Poverty rates among Southeast Asian Americans are much higher than the national average. 37.8 percent of Hmong, 29.3 percent of Cambodian, 18.5 percent of Laotian, and 16.6 percent of Vietnamese live in poverty.

In the housing market, one in five Asian Pacific Americans faces housing discrimination when buying a home. In 2008, Asian Pacific Americans suffered the largest percentage decline in homeownership of any racial group.

One in four APA students is Limited English Proficient or lives in a linguistically isolated household where parents have Limited English Proficiency. Compounding these challenging educational factors is the high school drop-out rate among Southeast Asian American. 40 percent of Hmong, 38 percent of Laotians, and 35 percent of Cambodians do not complete high school. Moreover, only 14 percent of Native Hawaiians and Pacific Islanders over 25 years old have at least a bachelor's degree, compared to 27 percent for the overall population.

30 percent of Asian Pacific Americans face employment discrimination—the largest of any group—compared with African Americans at 26 percent.

And 17 percent of Asian Americans and 24 percent of Pacific Islanders do not have health coverage.

So as we continue to strive for an America that is more equitable, compassionate, and mindful of our place in the world, we should not forget the contributions and needs of the Asian Pacific American community. For the history and future of Asian Pacific Americans is firmly intertwined with the past and destiny of America. Here in Congress, let us renew our pledge to work for Asian Pacific Americans as we do for all Americans. I wish all Americans a meaningful celebration of Asian Pacific American Heritage Month.

ASIAN PACIFIC ISLANDERS HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. CAO) is recognized for 5 minutes.

Mr. CAO. Mr. Speaker, I rise today to express my, I guess my gratitude and appreciation for the Asian Pacific Islanders Heritage Month, which is this month. And I say that on behalf of the Asian Americans, especially Vietnamese Americans who are struggling right now in the City of New Orleans, as well as in the other Gulf States, because of the oil spill.

□ 2100

Many of the fishermen who are impacted by the oil spills are Vietnamese Americans living in Texas, living in Louisiana, Mississippi, and Alabama. And even though they are struggling, even though they are having a hard time, I know one thing for sure: It's that they will survive and that they will be able to overcome the difficulties and the sufferings that this oil spill is causing to them and their families.

The reason why I am so positive that they will overcome this problem, this disaster, is because of the culture, is because of the family unity, is because of the strength that is inherent within the Asian culture. If we were to reflect on Asians, at least for me, on the Vietnamese history, we see that many Asian American communities, especially the Vietnamese communities, had to start over and to begin many times in our recent history.

I just want to use my family as an example. My father and mother were born in North Vietnam. And in 1954, when the communists took over North Vietnam, they lost everything. They left their family, they left their possessions to escape the communist north and migrated down to South Vietnam to start their lives over.

After many years of struggle, after many years of hard work, they again lost everything that they possessed, even their children, in the spring of 1975 when the communist forces took over South Vietnam.

My father spent 7 years in the Vietnamese reeducation camps. My mother during that time had to care for my five sisters along with her husband, who was in the camp, and also a younger brother, who was also in the reeducation camp. And then they left everything again in 1991 to come over to the

United States to start everything over again here. And in 2005, they lost everything again because of Hurricane Katrina.

So just to tell you the history of my own family and the ability of the Vietnamese Americans to survive through all of these struggles, through all of these sufferings. And my family is not unique. My family is only an example of the thousands of Vietnamese American families who have endured the same struggles, who have endured the same sufferings through the brief history that I just outlined. And it just tells you of the resiliency, of the strength that is inherent in the Asian American culture that allows the people like my family to survive, that allows the fishermen along the Gulf Coast to survive, that allows them to excel and to thrive.

So I am here on behalf of the many Asian Americans in the United States to declare that I am proud to be an Asian American, that I am proud to be a Vietnamese American representing my people in the U.S. Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KIRK (at the request of Mr. BOEHNER) for today and the balance of the week on account of an illness in the family.

Mr. BACHUS (at the request of Mr. BOEHNER) for today and May 20 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. ETHERIDGE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. POLIS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, May 26.

Mr. POE of Texas, for 5 minutes, May 26.

Mr. JONES, for 5 minutes, May 26.

Mr. HASTINGS of Washington, for 5 minutes, May 24.

Mr. GOODLATTE, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. CAO, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 736. An act to provide for improvements in the Federal hiring process, and for other purposes; to the Committee on Oversight and Government Reform.

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. 5014. An act to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1782. An act to provide improvements for the operations of the Federal courts, and for other purposes.

ADJOURNMENT

Mr. HONDA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Thursday, May 20, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 1177, the 5-Star Generals Commemorative Coin Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 1177, THE 5-STAR GENERALS COMMEMORATIVE COIN ACT, AS PROVIDED BY THE HOUSE COMMITTEE ON MAY 18, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Increase or Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact [a]	0	0	0	−10	0	10	0	0	0	0	0	0	0

[a] H.R. 1177 would authorize the U.S. Mint to produce a $5 gold coin, a $1 silver coin, and a half dollar clad coin in calendar year 2013 in recognition of the five 5-star generals of the United States Army (Marshall, MacArthur, Eisenhower, Arnold, and Bradley) and the 132nd anniversary of the founding of the United States Army Command and General Staff College. The legislation would specify a surcharge (a credit against direct spending) of $35 on the gold coin, $10 on the silver coin, and $5 on the clad coin. Amounts collected from those surcharges subsequently would be paid to the Command and General Staff Foundation (a nonprofit organization) that supports the college.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5139, AS AMENDED

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Increase or Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5325, the America COMPETES Reauthorization Act of 2010, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5325, THE AMERICA COMPETES REAUTHORIZATION ACT OF 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (−) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7527. A letter from the Chief, PRAB Office and Research and Analysis, Department of Agriculture, transmitting the Department's final rule — Supplemental Nutrition Assistance Program, Regulation Restructuring: Issuance Regulation Update and Reorganization To Reflect the End of Coupon Issuance Systems (RIN: 0584-AD48) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7528. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Direct and Counter-Cyclical Program and Average Corp Revenue Election Program, Disaster Assistance Programs, Marketing Assistance Loans and Loan Deficiency Payments Program, Supplemental Revenue Assistance Payments Program, and Payment Limitation and Payment Eligibility; Clarifying Amendments (RIN: 0560-AH84) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7529. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tebuconazole; Pesticide Tolerances [EPA-HQ-OPP-2009-0611; FRL-8821-4] received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7530. A letter from the Under Secretary, Department of Defense, transmitting the Department's report entitled ''Cost and Impact on Recruiting and Retention of Providing Thrift Savings Plan Matching Contributions''; to the Committee on Armed Services.

7531. A letter from the Under Secretary, Department of Defense, transmitting the annual report on the payment of incentive pay to members of precommissioning programs pursuing foreign language proficiency for Fiscal Year 2009; to the Committee on Armed Services.

7532. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8109] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7533. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1082] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7534. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1088] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7535. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1086] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7536. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Section 108 Community Development Loan Guarantee Program: Participation of States as Borrowers Pursuant to Section 222 of the Omnibus Appropriations Act, 2009 [Docket No.: 5326-F-02] (RIN: 2506-AC28) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7537. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Board of Directors of Federal Home Loan Bank System Office of Finance (RIN: 2590-AA30) received April 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7538. A letter from the Special Inspector General, Office of the Special Inspector General For The Troubled Asset Relief Program, transmitting the Office's quarterly report on the actions undertaken by the Department of the Treasury under the Troubled Asset Relief Program, the activities of SIGTARP, and SIGTARP'S recommendations with respect to operations of TARP, for the period ending March 31, 2010; to the Committee on Financial Services.

7539. A letter from the Chief, PRAB, Office of Research & Analysis, Department of Agriculture, transmitting the Department's final rule — Child and Adult Care Food Program: At-Risk Afterschool Meals in Eligible States [FNS-2007-0022] (RIN: 0584-AD15) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7540. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Report entitled ''Direct-to-Consumer Advertising's Ability to Communicate to Subsets of the General Population; Barriers to the Participation of Population Subsets in Clinical Drug Tests''; to the Committee on Energy and Commerce.

7541. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Volatile Organic Compound Automobile Refinishing Rules for Indiana [EPA-R05-OAR-2009-0513; FRL-9136-7] received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7542. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2009-0960; FRL-9137-8] received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7543. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Placer County Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, San Joaquin Valley Unified Air Pollution Control District, and South Coast Air Quality Management District [EPA-R09-OAR-2010-0218; FRL-9135-3] received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7544. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Interstate Transport of Pollution [EPA-R06-OAR-2007-0993; FRL-9144-4] received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7545. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: The 2010 Critical Use Exemption from the Phaseout of Methyl Bromide [EPA-HQ-OAR-2009-0351; FRL-9144-5] (RIN: 2060-AP62) received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7546. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

7547. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Canada (Transmittal No. 01-10) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7548. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Foreign Affairs.

7549. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2009, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

7550. A letter from the Associate Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting the Administration's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7551. A letter from the General Counsel, Trade and Development Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7552. A letter from the Chair, U.S. Election Assistance Commission, transmitting the

Commissions's final rule — Change of Address received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

7553. A letter from the Acting Director, Office fo Financial Management, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period October 1, 2009 through March 31, 2010, pursuant to Public Law 109-55, section 1005; (H. Doc. No. 111—106); to the Committee on House Administration and ordered to be printed.

7554. A letter from the Secretary, Department of the Interior, transmitting the Department's report entitled ''Preliminary Revised Program Outer Continental Shelf (OCS) Oil and Gas Leasing Programs (PRP) for 2007-2012''; to the Committee on Natural Resources.

7555. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting 2009 annual report on the management of debt collection activities by Federal agencies; to the Committee on the Judiciary.

7556. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Disaster Home Loans: FEMA Interaction (RIN: 3245-AF97) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

7557. A letter from the Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) April 2010 Quarterly Report; jointly to the Committees on Appropriations and Foreign Affairs.

7558. A letter from the Assistant Secretary for Insular Areas, Department of the Interior, transmitting a report entitled ''Report on the Alien Worker Population in the Commonwealth of the Northern Mariana Islands''; jointly to the Committees on the Judiciary and Natural Resources.

7559. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Innovation Research Program Policy Directive (RIN: 3244-AF61) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Small Business and Science and Technology.

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:

Ms. SLAUGHTER: Committee on Rules. House Resolution 1363. Resolution granting the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives to the Committee on Education and Labor for purposes of its investigation into underground coal mining safety (Rept. 111–487). 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. CHAFFETZ (for himself, Mr. ROHRABACHER, Mrs. MCMORRIS RODGERS, Mr. HERGER, Mr. BISHOP of Utah, Mr. CALVERT, and Mr. FRANKS of Arizona):

H.R. 5339. A bill to direct the Secretary of the Interior to sell certain Federal lands in Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, and Wyoming, previously identified as suitable for disposal, and for other purposes; to the Committee on Natural Resources.

By Mr. GARRETT of New Jersey:

H.R. 5340. A bill to allow a State to opt out of K-12 education grant programs and the requirements of those programs, to amend the Internal Revenue Code of 1986 to provide a credit to taxpayers in such a State, 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. DINGELL (for himself, Mr. STUPAK, Mr. HOEKSTRA, Mr. EHLERS, Mr. CAMP, Mr. KILDEE, Mr. UPTON, Mr. SCHAUER, Mr. PETERS, Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. LEVIN, Ms. KILPATRICK of Michigan, and Mr. CONYERS):

H.R. 5341. A bill to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the ''Joyce Rogers Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. BISHOP of Utah (for himself, Mrs. MCMORRIS RODGERS, Mrs. LUMMIS, Mr. HERGER, Mr. YOUNG of Alaska, and Mr. CHAFFETZ):

H.R. 5342. A bill to prohibit the use of the National Environmental Policy Act of 1969 to document, predict, or mitigate the climate effects of specific Federal actions; to the Committee on Natural Resources.

By Ms. HERSETH SANDLIN (for herself and Mr. HODES):

H.R. 5343. A bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for advanced biofuel production property; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KRATOVIL:

H.R. 5344. A bill to authorize the Secretary of the Interior, through the Coastal Program of the United States Fish and Wildlife Service, to work with willing partners and provide support to efforts to assess, protect, restore, and enhance important coastal areas that provide fish and wildlife habitat on which Federal trust species depend; to the Committee on Natural Resources.

By Ms. SPEIER (for herself, Ms. ESHOO, and Mr. QUIGLEY):

H.R. 5345. A bill to amend title 49, United States Code, to require the Secretary of Transportation to promulgate rules requiring that motor vehicles of model year 2012 or later be equipped with event data recorders compatible with a universal data retrieval method and that the data in event data recorders on motor vehicles prior to model year 2012 be readable by the National Highway Traffic Safety Administration, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi:

H.R. 5346. A bill to enhance homeland security in the ports and waterways of the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KILROY (for herself and Mr. AL GREEN of Texas):

H. Con. Res. 280. Concurrent resolution expressing the sense of Congress that BP p.l.c. should reimburse all costs incurred by the Federal Government in assisting with cleanup efforts in the Deepwater Horizon oil spill incident in the Gulf of Mexico; to the Committee on Transportation and Infrastructure.

By Mr. MCCOTTER (for himself, Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. MCCAUL, Mr. INGLIS, and Mr. POLIS):

H. Res. 1371. A resolution condemning the selection of the Government of Iran to serve on the United Nations Commission on the Status of Women; to the Committee on Foreign Affairs.

By Mr. BROUN of Georgia (for himself, Mr. BARROW, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. PRICE of Georgia, Mr. WESTMORELAND, Ms. TITUS, Mr. THOMPSON of Pennsylvania, Mr. GINGREY of Georgia, Mr. SCOTT of Georgia, and Mr. LEWIS of Georgia):

H. Res. 1372. A resolution honoring the University of Georgia Graduate School on the occasion of its centennial; to the Committee on Education and Labor.

By Mr. ALTMIRE:

H. Res. 1373. A resolution expressing support for designation of the week beginning May 2, 2010, as ''National Physical Education and Sport Week''; to the Committee on Education and Labor.

By Mr. CASSIDY:

H. Res. 1374. A resolution providing that all revenue derived from the excise tax on oil production should continue to pay for the cleanup of, and the damages incurred by all individuals, businesses, States, municipalities, and natural resources negatively impacted by, the current oil spill in the Gulf of Mexico and any future spills; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, 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. COOPER (for himself, Mr. TANNER, Mr. BOSWELL, Mrs. MALONEY, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. COHEN, Mrs. BLACKBURN, Ms. FUDGE, Ms. SHEA-PORTER, Mr. MELANCON, Ms. MARKEY of Colorado, Ms. BORDALLO, Ms. MATSUI, Ms. LEE of California, Ms. ESHOO, Ms. JENKINS, Mr. GORDON of Tennessee, Mr. ROE of Tennessee, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. BACA, Mrs. SCHMIDT, Mr. MOORE of Kansas, Mr. SCHIFF, Mr. HILL, and Mrs. MCMORRIS RODGERS):

H. Res. 1375. A resolution recognizing the 90th anniversary of the 19th Amendment; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H. Res. 1376. A resolution expressing the sense of the House of Representatives that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent; to the Committee on Foreign Affairs.

By Mr. HONDA (for himself and Ms. CHU):

H. Res. 1377. A resolution honoring the accomplishments of Norman Yoshio Mineta, and for other purposes; to the Committee on House Administration.

By Mr. LEWIS of California (for himself, Mr. MCKEON, Mr. CALVERT, and Mr. YOUNG of Alaska):

H. Res. 1378. A resolution condemning the theft from the Mojave National Preserve of the national Mojave Cross memorial honoring American soldiers who died in World War I; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself, Mr. COSTA, Mr. SMITH of New Jersey, and Mrs. MALONEY):

H. Res. 1379. A resolution expressing the sense of Congress with respect to domestic sex trafficking of minors; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Ms. NORTON and Mr. SALAZAR.
H.R. 82: Mr. MCCOTTER.
H.R. 275: Mrs. MCMORRIS RODGERS, Ms. HIRONO, and Mr. BUCHANAN.
H.R. 422: Mr. SENSENBRENNER.
H.R. 471: Mr. RAHALL.
H.R. 537: Mr. TERRY.
H.R. 571: Ms. KILPATRICK of Michigan.
H.R. 745: Mr. ELLSWORTH.
H.R. 891: Ms. NORTON.
H.R. 953: Mr. MCCAUL, Ms. RICHARDSON, and Mr. CARNAHAN.
H.R. 1036: Ms. NORTON and Mr. YOUNG of Alaska.
H.R. 1074: Mr. BOYD.
H.R. 1570: Mr. ELLSWORTH.
H.R. 1581: Ms. ESHOO.
H.R. 1618: Ms. HARMAN.
H.R. 1718: Mr. DUNCAN.
H.R. 1806: Mr. QUIGLEY, Mr. CLEAVER, and Mr. KANJORSKI.
H.R. 1844: Mr. DELAHUNT.
H.R. 2103: Ms. SCHWARTZ, Ms. GRANGER, and Mr. CUMMINGS.
H.R. 2132: Mr. COURTNEY.
H.R. 2142: Mr. NYE.
H.R. 2198: Mr. CALVERT.
H.R. 2273: Ms. LEE of California, Mr. MOORE of Kansas, and Ms. WOOLSEY.
H.R. 2275: Mr. SHERMAN.
H.R. 2324: Ms. CHU.
H.R. 2483: Mr. CAPUANO, Mr. TERRY, Mr. STARK, Mr. SMITH of New Jersey, and Mr. WEINER.
H.R. 2485: Mr. SCHAUER.
H.R. 2527: Mr. ELLSWORTH.
H.R. 2546: Mr. OWENS and Ms. SUTTON.
H.R. 2558: Mr. ELLISON.
H.R. 2570: Ms. NORTON.
H.R. 2575: Ms. WOOLSEY.
H.R. 2579: Ms. BORDALLO.
H.R. 2697: Mr. OWENS, Ms. GIFFORDS, Ms. LEE of California, Mr. LOBIONDO, and Mr. MORAN of Kansas.
H.R. 2849: Mr. LYNCH.
H.R. 2963: Mr. LOEBSACK.
H.R. 3077: Mr. KENNEDY, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. CUMMINGS, Ms. VELÁZQUEZ, Mr. CAPUANO, Mr. CROWLEY, and Mr. CONNOLLY of Virginia.
H.R. 3181: Mr. TONKO.
H.R. 3267: Mr. KAGEN.
H.R. 3421: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, Mr. SERRANO, and Mr. PETERS.
H.R. 3441: Ms. NORTON.
H.R. 3464: Mr. LOBIONDO, Mr. DUNCAN, Mr. DONNELLY of Indiana, Mr. HILL, and Mr. LATTA.
H.R. 3526: Mr. HINCHEY.
H.R. 3595: Mr. CARTER.
H.R. 3729: Ms. CLARKE.
H.R. 3749: Mr. DUNCAN.
H.R. 3888: Ms. SPEIER.
H.R. 3924: Mr. BONNER.
H.R. 3990: Mr. JACKSON of Illinois.
H.R. 4000: Ms. JACKSON LEE of Texas.
H.R. 4090: Mr. HOLT.
H.R. 4109: Mr. PERRIELLO.
H.R. 4123: Mr. MURPHY of Connecticut, Mr. HONDA, Mr. PASTOR of Arizona, Ms. JACKSON-LEE of Texas, Mr. CONYERS, Mr. BACA, and Mr. CARNAHAN.
H.R. 4202: Mr. CHANDLER and Ms. CASTOR of Florida.
H.R. 4278: Mr. PERRIELLO.
H.R. 4309: Ms. BEAN.
H.R. 4325: Mr. BISHOP of New York and Mr. PALLONE.
H.R. 4351: Mr. RYAN of Ohio and Ms. WOOLSEY.
H.R. 4389: Mr. PLATTS.
H.R. 4509: Mr. HODES.
H.R. 4598: Mr. MOORE of Kansas.
H.R. 4638: Mr. BACA and Mr. FARR.
H.R. 4650: Ms. ZOE LOFGREN of California and Mr. DOYLE.
H.R. 4692: Mr. RAHALL.
H.R. 4709: Mr. HOLT.
H.R. 4732: Mr. ROHRABACHER.
H.R. 4733: Mr. HALL of New York.
H.R. 4785: Mr. PRICE of North Carolina, Mr. KRATOVIL, Mr. THOMPSON of Pennsylvania, and Mr. BLUMENAUER.
H.R. 4788: Mr. MARSHALL, Mr. TONKO, Mr. SHERMAN, Mr. HINCHEY, Ms. LINDA T. SÁNCHEZ of California, and Mr. BACA.
H.R. 4797: Ms. DEGETTE.
H.R. 4877: Ms. RICHARDSON and Mr. PASCRELL.
H.R. 4914: Ms. SCHAKOWSKY, Mr. WU, Mr. SCOTT of Virginia, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4920: Mr. PASCRELL.
H.R. 4925: Mr. GRIJALVA.
H.R. 4941: Ms. LORETTA SANCHEZ of California and Mr. OWENS.
H.R. 4973: Mr. ROSS.
H.R. 4993: Mr. OWENS and Mr. LATHAM.
H.R. 4999: Mr. BARRETT of South Carolina.
H.R. 5000: Mr. COURTNEY.
H.R. 5015: Ms. KILROY.
H.R. 5034: Mr. DEUTCH and Mrs. CAPITO.
H.R. 5044: Mr. LUJÁN, Mr. HILL, and Mr. HIMES.
H.R. 5078: Ms. BEAN and Mrs. MYRICK.
H.R. 5091: Mr. PAYNE and Mr. SESTAK.
H.R. 5092: Mr. WALDEN, Mr. COOPER, Mr. HONDA, Mr. JACKSON of Illinois, Mr. ENGEL, Ms. BEAN, Mrs. DAHLKEMPER, Mr. BAIRD, Mr. OWENS, Mrs. MCCARTHY of New York, Mr. LATHAM, Mr. STEARNS, Mr. TOWNS, Mr. VISCLOSKY, Ms. CLARKE, Mr. GRAYSON, and Mr. MAFFEI.
H.R. 5095: Mr. CALVERT.
H.R. 5113: Mr. BACA and Ms. NORTON.
H.R. 5121: Ms. CASTOR of Florida, Ms. JACKSON LEE of Texas, Mr. FILNER, and Ms. WASSERMAN SCHULTZ.
H.R. 5137: Ms. ZOE LOFGREN of California.
H.R. 5141: Mr. COFFMAN of Colorado, Mrs. MCMORRIS RODGERS, and Mr. POE of Texas.
H.R. 5162: Mr. BARRETT of South Carolina.
H.R. 5175: Mr. PRICE of North Carolina and Mr. HODES.
H.R. 5177: Mr. TERRY, Mr. OLSON, and Mr. YOUNG of Florida.
H.R. 5186: Mr. OLSON.
H.R. 5206: Mr. KAGEN.
H.R. 5207: Mr. ALEXANDER.
H.R. 5220: Ms. EDWARDS of Maryland and Mr. SABLAN.
H.R. 5241: Mr. COHEN, Mr. HOLT, Mrs. CHRISTENSEN, Mr. GRAYSON, Mr. MICHAUD, Ms. WASSERMAN SCHULTZ, Mr. CHANDLER, Ms. PINGREE of Maine, Mr. ROTHMAN of New Jersey, Mr. HONDA, Ms. SCHAKOWSKY, and Mr. GEORGE MILLER of California.
H.R. 5256: Mr. PASTOR of Arizona.
H.R. 5258: Mr. HERGER, Mr. INGLIS, and Ms. JENKINS.
H.R. 5260: Ms. MOORE of Wisconsin, Mr. COURTNEY, and Mr. TONKO.
H.R. 5268: Mr. CAPUANO, Ms. PINGREE of Maine, Mr. STARK, Ms. ESHOO, and Ms. ZOE LOFGREN of California.
H.R. 5270: Mr. SABLAN.
H.R. 5276: Mr. MORAN of Kansas, Mr. HALL of Texas, Mr. COFFMAN of Colorado, Mr. WAMP, Mr. HARPER, Mr. BURGESS, Mr. TIM MURPHY of Pennsylvania, Mr. MARIO DIAZ-BALART of Florida, and Mr. POSEY.
H.R. 5294: Mr. BOREN.
H.R. 5298: Ms. KILPATRICK of Michigan, Mr. PASTOR of Arizona, and Mr. YOUNG of Alaska.
H.R. 5299: Mr. BACHUS, Mr. CALVERT, Mr. BUCHANAN, Mr. LATTA, Mr. OLSON, Mr. MORAN of Kansas, and Mr. REHBERG.
H.R. 5318: Mr. DUNCAN, Mrs. MCMORRIS RODGERS, Mr. BUYER, and Mr. LATTA.
H.R. 5319: Mr. CULBERSON, Mr. WILSON of South Carolina, Mr. GOHMERT, Mr. KING of Iowa, Mr. KINGSTON, Mr. GINGREY of Georgia, Mr. DAVIS of Kentucky, Mrs. BACHMANN, Mr. CHAFFETZ, Mrs. SCHMIDT, Mr. MARCHANT, Mr. LATTA, Mr. HERGER, Mr. DANIEL E. LUNGREN of California, and Mr. BISHOP of Utah.
H.R. 5327: Mr. MCKEON, Mr. CUELLAR, Mrs. MCCARTHY of New York, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. MITCHELL, Mr. SKELTON, Mr. FALEOMAVAEGA, Mr. MORAN of Virginia, Mrs. MALONEY, Mr. ISRAEL, Mr. POLIS, Mr. BURTON of Indiana, Mr. INGLIS, Mr. POE of Texas, and Mr. HENSARLING.
H.J. Res. 42: Mr. ELLSWORTH.
H. Con. Res. 198: Mr. CASTLE, Ms. SHEA-PORTER, Mr. WU, Ms. CLARKE, and Mr. KILDEE.
H. Con. Res. 266: Mr. GALLEGLY.
H. Con. Res. 270: Mr. STARK.
H. Con. Res. 274: Mr. HOEKSTRA and Mr. YOUNG of Alaska.
H. Con. Res. 279: Mrs. SCHMIDT.
H. Res. 173: Mr. PLATTS and Mr. SHERMAN.
H. Res. 584: Mr. ETHERIDGE and Mr. MCINTYRE.
H. Res. 873: Mr. GOODLATTE, Mr. HIMES, and Mr. VAN HOLLEN.
H. Res. 1053: Mrs. BLACKBURN.
H. Res. 1056: Mrs. BLACKBURN.
H. Res. 1073: Mr. COFFMAN of Colorado, Mr. HODES, Mr. COOPER, Mr. TANNER, and Mr. MURPHY of New York.
H. Res. 1106: Mr. REYES.
H. Res. 1211: Ms. EDWARDS of Maryland, Mr. HINOJOSA, Mr. GRIJALVA, and Mr. FILNER.
H. Res. 1241: Mr. ADERHOLT, Mr. BONNER, Mr. SMITH of Texas, and Mr. SHIMKUS.
H. Res. 1273: Mr. MCKEON.
H. Res. 1285: Mr. MITCHELL.
H. Res. 1302: Mr. MURPHY of New York, Mr. SESSIONS, Mr. GONZALEZ, and Mr. RUSH.
H. Res. 1313: Mr. COOPER, Mr. SHULER, Mr. HARPER, and Mr. BRIGHT.
H. Res. 1325: Mr. PUTNAM.
H. Res. 1330: Ms. WASSERMAN SCHULTZ and Mr. CONNOLLY of Virginia.
H. Res. 1331: Ms. ZOE LOFGREN of California.
H. Res. 1342: Ms. SUTTON, Mr. CONYERS, Mr. ELLISON, Ms. BALDWIN, Mr. PERLMUTTER, Mr. SABLAN, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. WAXMAN, Mrs. KIRKPATRICK of Arizona, Mr. KUCINICH, and Mr. MURPHY of New York.

H. Res. 1352: Mr. MCCAUL.

H. Res. 1355: Mr. STARK.

H. Res. 1357: Ms. ZOE LOFGREN of California, Ms. ESHOO, Mr. MARKEY of Massachusetts, Mr. FILNER, Mr. HONDA, Ms. MATSUI, Ms. KILROY, Mr. DANIEL E. LUNGREN of California, Mr. DREIER, Mr. ROYCE, and Mr. CARDOZA.

H. Res. 1369: Mr. BISHOP of Georgia, Ms. WATERS, Mr. CLEAVER, Ms. FUDGE, Mr. FATTAH, Mr. CLAY, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Mr. TOWNS, Mr. WATT, Ms. EDWARDS of Maryland, Mr. CONYERS, Ms. WATSON, Ms. NORTON, and Ms. EDDIE BERNICE JOHNSON of Texas.

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Lord, save us from our disappointments as we realize You can transform setbacks into stepping stones. Remind our Senators that in everything, You are working for the good of those who love You, who are called according to Your purpose. As they persevere through the darkness of challenges, enable our lawmakers to see the stars of Your providential work and to know that nothing can separate them from Your love. Strengthen the Members of this body by Your love. Make them strong in the broken places so that they can become instruments of Your glory. We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 19, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be an hour of morning business with Senators permitted to speak for up to 10 minutes each. The Republicans will control the first 30 minutes; the majority will control the next 30 minutes.

Following morning business, the Senate will resume consideration of S. 3217, the Wall Street reform legislation.

The cloture vote on the Dodd-Lincoln substitute amendment will occur at 2 p.m. today. As a reminder, the filing deadline for second-degree amendments is 1 p.m. today. Votes may occur on amendments prior to the cloture vote if agreements can be reached.

UNFINISHED BUSINESS

Mr. REID. Mr. President, we worked late last night trying to take care of some of the final discussion on this legislation before cloture today. The reason we have an hour of morning business is to give Senators some time to say whatever they want to say as well as to give Senators time to look at the proposed consent agreement that was arrived at last night between the majority and the minority. I hope Senators will allow this agreement to go forward. If people look at what is in it, I think there is a series of amendments that will be accepted by the two managers of the bill. If someone doesn't like something in the consent agreement, be sure and talk to the two managers. It would be good to get some of these matters out of the way. We have had a number of Senators who have waited a long period of time to have their matters resolved. For example, Senator HARKIN last night. We were able to arrive at a conclusion of an amendment that he felt was appropriate. It is an amendment I support and others support it. I just think it wouldn't be—for lack of a better word—fair to not let some of these amendments go forward, but Senators have the right to make whatever decision they feel is appropriate.

As far as the cloture vote, I don't think anyone can criticize our having taken time on this legislation. There are a number of amendments the proponents of which worked to perfect the language on and it took a while for them to do that. There comes a time, however, when we have to put this thing to rest. We have been on this bill for a month. As of tomorrow, it will be 1 month. We have another step we have to go through and that is conference. People have all kinds of opportunities there to make whatever decisions they think are appropriate to make this bill better. It gives both sides all the adequate protection they want when the bill comes back in its conference form.

I hope we can move forward. We have a few hours before cloture. I hope cloture will be invoked. If it isn't, we will continue working until we finish this legislation. As I have told everyone and I will say again, we have to finish this legislation, Wall Street reform; we have to do the supplemental. I wish to get the supplemental started sometime tomorrow. Then we have the extenders we have to do. We have parts of that extenders bill that are essential to the economic recovery. There are many aspects that are important, but one is the tax credit for research and development. Businesses absolutely need that.

The uncertainty of it is hurting the overall economy.

We have to do those before we take the Memorial Day break. We can't let the troops go unfunded and we can't let those provisions expire.

RECOGNITION OF THE MINORITY LEADER

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

FINANCIAL REGULATORY REFORM

Mr. MCCONNELL. Mr. President, as I stand here this morning, the U.S. Government is in dire fiscal condition, with the Federal debt now about to break $13 trillion for the first time in history, a level that was unthinkable a few years ago. Meanwhile, Democrats in Washington seem to think there is some law out there that will somehow prevent us from experiencing the same kind of crisis that is currently engulfing Europe.

The fact is, Washington can't even pay its bills. Yet over the last 16 months it has taken over banks, insurance companies, car companies, the student loan business, and health care. Now it has its sights set on anyone in America who engages in a financial transaction. The arrogance of this approach to governing is truly astounding.

Everyone recognizes the need to rein in Wall Street to prevent another crisis, but the bill the majority wants to end debate on today does not do that. Instead, it uses this crisis as yet another opportunity to expand the cost and size and reach of government. It punishes Main Street for the sins of Wall Street. Worst of all, it ignores the root of the crisis by doing nothing whatsoever to reform the GSEs.

But all this should sound very familiar to anyone who followed the health care debate. Remember that the problem with health care was that it cost too much and the administration's solution was to spend even more money on it. This time, the Fed, the SEC, and Treasury all missed the housing bubble and the irresponsible risk-taking that led to the financial crisis, and the administration's solution to this is to hire more of these people to give them even more authority than they had before. So we have been down this road before.

The administration used the cost crisis in health care as an excuse to force a government takeover on a public that didn't want it. Now it is using the financial crisis as a way to intrude into the lives of people and businesses that had absolutely nothing whatsoever to do with the problem, and to hire thousands of government employees and spend billions of dollars in taxpayer money to pay for it all. At the outset of this debate, Republicans argued that getting on to the bill would be a mistake since Democrats had no intention of improving it. As it turns out, we were right. Not only does the bill still contain a massive new government agency with broad new powers over consumer spending and Main Street businesses, it does nothing—nothing—as I indicated, to rein in Fannie Mae and Freddie Mac, the main protagonists in the financial meltdown. This is absolutely worse than irresponsible. It is the legislative equivalent of wrongful conviction.

What is more, Democrats even opposed putting these two government-sponsored companies that were behind the housing crisis on the Federal budget and accounting for the billions they got from taxpayers in bailout funds.

Republicans tried to address the concerns we have been hearing from Main Street, many of them targeted at this new Federal agency that would regulate all aspects—all aspects—of a consumer's life, but Democrats rejected them. We offered an amendment that would sunset this agency if it led to unwanted government intrusion. They rejected it. We offered an amendment that said banks that fail should go bankrupt rather than giving their Wall Street creditors a bailout. They rejected it. We offered an amendment that would have strengthened lending standards. They rejected it. We offered three amendments to rein in Fannie Mae and Freddie Mac. They rejected them.

They can call this bill whatever they want, but there is no way—no way—it can be viewed as a serious effort to rein in Wall Street or to address the problems that caused the crisis. How do you explain to the average American—the average American—that a bill that was meant to rein in Wall Street can be supported—supported—by Goldman Sachs and Citigroup but opposed by car dealers, dentists, florists, furniture salesmen, plumbers, credit unions, and community banks?

Let me say that one more time. How do you explain to the people of this country a bill designed to rein in Wall Street that is supported by Goldman Sachs and Citigroup but opposed by car dealers, dentists, florists, furniture salesmen, plumbers, credit unions, and community banks? How do you explain how a bill that was supposed to target Wall Street now threatens to subject manufacturers to a broad new financial regulation and new layers of government bureaucracy? How do you justify new costs and regulations on small businesses struggling to dig themselves out of a recession, while the biggest banks—the ones that caused it—don't seem to mind it? How do you explain how a bill that was supposed to end bailouts will be used to collect financial data on Americans?

Look, the only thing we need to know about this bill is that a bill that was meant to rein in Wall Street is now being endorsed—now being endorsed—by Goldman Sachs and is opposed by America's small business owners, community banks, credit unions, and auto dealers. A bill that was supposed to rein in Wall Street is opposed by the Chamber of Commerce but supported by Citigroup.

Small businesses don't like it, but the biggest beneficiaries of the bailouts support it, because regulations never hurt them as much as they hurt the little guys. Our friends on the other side are happy as long as they pass something called reform, and the administration is happy because it is bent—absolutely bent—on expanding government at any cost.

But the American people are watching, and they are not happy. They are astonished at the arrogance of elected leaders who seem to do more to create problems up here than to solve them: Health care costs too much, so let's spend more on it. Regulators missed the housing crisis and the financial panic; hire more of them.

The Federal Government has doubled in size over the past decade, and yet every day this administration devises some new way to make it bigger, costlier, and more intrusive. In my view, the administration has lost all perspective about the limits of government and, frankly, it is losing the confidence and the trust of the American people.

Americans look at what is happening in Europe. They feel as though they are seeing the same movie playing out right here. They feel as though the one way to avoid this crisis from spreading across the Atlantic is to stop the spending and the government expansion that led to it; and they feel as though the administration doesn't see any of this and is so bent on its government-knows-best solution to everything that it can't even see when the government itself is the problem.

The goal of legislating is not to say we have solved the problem when we haven't. It is to prevent or alleviate real hardships and expand opportunities for the people who sent us here.

But until the administration actually delivers on that promise, Americans cannot and should not be expected to endorse its plans for even more government because, for most Americans, what all these crises reveal is not a need for more government but a need for less government. I will vote against this so-called reform bill, and I urge my colleagues to do the same.

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, there will be 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 Republicans

controlling the first half and the majority controlling the final half.

The Senator from New Hampshire is recognized.

REGULATORY REFORM

Mr. GREGG. Mr. President, first, I congratulate the Republican leader for a superb statement on where we stand relative to the bill on regulatory reform. It is truly a bill that is misnamed. This bill should be called ''The Expansion of Government for the Purposes of Making Us More Like Europe Act.''

As a very practical matter, the bill does almost nothing about the core issues that have created the issue of financial stability in this country. It does nothing in the area of Fannie Mae and Freddie Mac, which is the real estate issue. It does virtually nothing in the area of making sure we have a workable systemic risk situation and structure so we can address the issue of systemic risk. Instead of addressing it in a constructive way, which would actually put some vitality and usefulness in to regulate the derivatives market, it actually steps back and creates a derivatives regulation that all the major regulators, whom we respect, have said simply will not work.

I wish to talk about that. I didn't think there was anything you could do that would make this regulatory proposal on derivatives worse. But now we see an amendment from the chairman of the committee, which I am sure is well intentioned, but it makes it worse. The way the derivatives language of the bill has evolved is it gets worse and worse, in an almost incomprehensible and irrational way, which is rather surreal. It is almost as if we were at the Mad Hatter's tea party the way this derivatives language is evolving.

We now have in the bill itself proposed language which the chairman of the FDIC, the Federal Reserve staff, Chairman Volcker, and the OCC have all said will not work. In fact, not only did they say it will not work, they have said it will have a negative impact on the stability of the derivatives market. It will cause the market to move overseas and make America less competitive. It will cause a contraction in credit in this country, and it will hurt consumers and users of derivatives across this Nation.

Those are the words—paraphrased to some degree but essentially accurate—of the major players who actually discipline and look at this market, in defining the bill as it is presently before us. Now, in some sort of bizarre attempt—as if the Mad Hatter had arrived—to correct this issue, we see an amendment from the chairman of the committee suggesting that we should put into place an even more convoluted system, tied to uncertainty of no decision occurring for 2 years. The proposal says we will have the stability council, which is made up of, I think, nine different regulators, take a look at what is in the language of the bill now, relative to taking swap desks out of financial institutions and determine whether that language makes sense. Well, it doesn't. We know that already because a group of regulators has already said it doesn't make sense. So we are going to wait for 2 years to determine it doesn't make sense, when we already know it doesn't. Then they are going to make that recommendation to the Congress, so the Congress gets to legislate to correct what we already know is an error in the bill.

Then, to make this an even more Byzantine exercise in regulatory absurdity, the Secretary of the Treasury has the right to overrule the Congress or maybe act independently of the Congress and take action pursuant to whatever the stability council decided.

On top of this convoluted exercise in chaos, the proposal actually undermines the Lincoln proposal, which is in the bill, and makes it even less workable, by saying the swap desk cannot even be retained by affiliates but must be totally separated, which inevitably leads to swap desks that do not have capital adequacy or stability or the necessary strength to defend the derivatives action which they are making markets in. So you weaken and significantly reduce the stability of the market, making it more risky and, at the same time, the estimate is, you would contract credit in this country by close to $¾ trillion less credit.

What that means is John and Mary Jones, who are working on Main Street America producing something they are selling to a company that is maybe a little larger, and then they are selling that product overseas, are probably not going to be able to get the credit they need to produce the product, so they will have to contract the size of their business, and we will reduce the number of jobs in this country or certainly the rate of job creation.

This country's great and unique advantage is that we are the best place in the world for an entrepreneur and risk-taker—somebody who is willing to go out there and do something to create jobs—to get capital and credit at a reasonable price and in a reasonably efficient way. This bill fundamentally undermines that unique advantage that we have in this language, and this language compounds that event, undermining that unique situation. It is, as I said, similar to participating in the Mad Hatter's tea party to watch the way this bill has evolved on the issue of derivatives regulation. The product—I guess the Queen of Hearts would be proud of it, but I can tell you the effect on the American people, on commerce, and on Main Street will be extraordinarily negative should we pass it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I ask unanimous consent that I may be recognized for 15 minutes.

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

BERWICK NOMINATION

Mr. ROBERTS. Mr. President, recently, Leader MCCONNELL and Dr. JOHN BARRASSO, the distinguished Senator from Wyoming, and I engaged in a colloquy regarding President Obama's nominee for the head of CMS, the Centers for Medicare Services, Dr. Donald Berwick.

Simply put, Dr. Berwick has a long history of interesting statements—pertinent statements—that support government rationing of health care, an issue I have vigorously fought against throughout the entire health care debate.

The White House response to our colloquy, it seems to me, was most unfortunate, if not rather incredible. Here is what the Obama administration had to say:

> No one is surprised that Republicans plan to use this confirmation process to trot out the same arguments and scare tactics they hoped would block health insurance reform.
>
> The fact is, rationing is rampant in the system today, as insurers make arbitrary decisions about who can get the care that they need. Dr. Don Berwick wants to see a system in which those decisions are transparent—and that the people who make them are held accountable.

This is a fascinating response. Instead of flatout denials of government rationing, we have excuses. If you read between the lines, you will notice that for the first time ever in this debate, the Obama White House is admitting their health care plan will ration health care. It just doesn't make it transparent.

Remember, when Republicans, such as myself and JON KYL and Dr. COBURN, the Senator from Oklahoma, tried to warn that health care reform would result in government-rationed care, we were dismissed as crazy reactionaries or even worse. President Obama accused us of trying to scare people, and no less than the American Association of Retired Persons, AARP—that organization that purports to represent Medicare patients and seniors all across our great Nation—said our rationing concerns were a mere ''myth''—that ''none of the health care reforms . . . would stand between individuals and their doctors or prevent any American from choosing the best possible care.''

How interesting that now, after the health care bill has become law, the President is admitting we were right all along. Here is the quote:

> Don Berwick wants to see a system in which those [rationing] decisions are transparent—and that the people who make them are held accountable.

That is a complete and utter about-face.

Although cloaked in the typical straw man arguments that have come to characterize this administration,

the statement is undeniable. The government is going to ration your health care.

To set the record straight, I don't accept rationing, whether it be transparent or otherwise. I am opposed to rationing whether it is done by the government or by an insurance company. I am not defending any of the practices of insurance companies that have unjustly denied claims.

I am against rationing whether it is proposed by Republicans or Democrats or think tanks or the special interest sidelines in this city.

But the Obama administration's response does nothing to address my concerns that our government will ration health care. Instead, we finally have an admission from the White House that this is what they plan to do.

I am not holding my breath for an apology or a correction from the President or the AARP or any of the other organizations that demonized our concerns for the past year. But I do intend to ask some very tough questions of Dr. Berwick, the President's pick to implement and enforce literally thousands of regulations that will soon come pouring out of the Department of Health and Human Services, and that will inevitably include rationing.

It is nothing personal, as I have said before. I have met Dr. Berwick. He is a very personable, affable, intelligent man. I don't doubt that he has support from his peers who know him. I am not questioning his honor or his motives or his love for this country.

As an aside, I would appreciate it—and I know a lot of other Members of this body would as well—if the White House extended the same courtesy to me and, for that matter, anybody else raising serious policy questions.

But we have a fundamental disagreement about the future of our health care delivery system. I happen to think it is important that we have this conversation so the American people can understand what is going on.

Please quit attacking my motives and the motives of others. Accentuate the policy, eliminate the politics, and don't mess with those in between raising reasonable questions. That is an old song that rather dates me, but I think it is appropriate. Questions such as this: What did Dr. Berwick mean when he said:

> I am a romantic about the [British] National Health Service; I love it. All I need to do to rediscover the romance is to look at the health care in my own country.

So he is both romantic and supportive of the British National Health Service.

With cancer survival rates for women 10 percentage points higher in the United States than in England and over 20 points higher for men, why does he think their government-run system is superior to our system?

Please explain this quote:

> If I could wave a magic wand . . . health care [would be] a common good—single payer . . . health care [would be] a human right—universality is a nonnegotiable starting place . . . justice [would be] a prerequisite to health equity as a primary goal.

While that may sound very nice, very idealistic, the reality is, declaring health care to be a human right necessarily places some citizens' rights above others—suppressing the rights of some in favor of another government-favored group.

If you are saying health care is a universal right, what you are essentially saying is that some people have a right to someone else's property, whether that be taxable income or doctor services or their health care.

I disagree with this argument. Health care has become an entitlement for some in this country, but it cannot be properly described as a right without egregious government coercion and income redistribution and patient care consequences.

But maybe that is OK with Dr. Berwick. After all, he did say that ''any health care funding plan that is just, equitable, civilized, and humane must—must—redistribute wealth from the richer among us to the poorest and less fortunate.'' I want to hear more from Dr. Berwick on this point.

Furthermore, what did he mean when he said that ''equity'' is a necessary component of ''quality''? Does that mean high-quality care should not be available unless it is available to all? This certainly seems to square with the United Kingdom's practice of delaying access to the latest breakthrough drugs and technologies because of their high costs. What does Dr. Berwick think this attitude will do to investments and innovations in life-saving treatments?

And what about this quote:

> Limited resources require decisions about who will have access to care and the extent of their coverage. The complexity and cost of health care delivery systems may set up a tension between what is good for the society as a whole and what is best for an individual patient . . . Hence, those working in health care delivery may be faced with situations in which it seems that the best course is to manipulate the flawed system for the benefit of a specific patient . . . rather than to work to improve the delivery of care of all.

Is this a suggestion that it is a doctor's duty to concentrate on the good of society or the good of his or her patient? That certainly sounds like a proponent of socialized medicine to me. I use that word very carefully.

Finally, this is a question about the following statement by Dr. Berwick:

> Most people who have serious pain do not need advanced methods; they just need the morphine and counseling that have been around for centuries.

That is an amazing statement. I know Dr. Berwick is familiar with the Liverpool Care Pathway to death that is employed in the British health care system and its reliance on morphine and counseling. He should also be aware of the growing concerns of many British doctors that this so-called pathway to death is being overused for patients who would have otherwise recovered, especially stroke patients. Is this what is being advocated for the American health care system? For Medicare patients? This certainly sounds like the ''death panels'' that became so roundly ridiculed and dismissed by ObamaCare supporters during last year's debate.

I know that ''socialized medicine'' and ''death panels'' have become loaded terms. I understand that. But if that is what you are for, you should just say so. Don't be afraid to have this discussion. Dr. Berwick certainly has not been shy about his views in the past.

Maybe this is a comment more appropriately directed at the administration than at Dr. Berwick, but do not hide behind straw men and name-calling of those who disagree with you.

I have legitimate concerns—many of us have legitimate concerns—about the direction we are taking in this country with particular regard to health care. The thousands of people in Kansas who have contacted me over the last year have very legitimate concerns, too, and if you do not think I deserve some answers, they certainly do.

The American people are sick and tired of being told that they are crazy or racist or that they do not know what they are talking about or being misled or that any question raised is simply partisan politics. Promise after promise has been broken, from the pledge not to raise taxes to the promise that if you like what you have you can keep it, to the falsehood that this new law does not cut Medicare. And remember the one about lowering premiums. The list goes on and on. Now it is beyond a shadow of a doubt that the law will ration health care. I think we are duty-bound to hold this administration and its nominees accountable for these broken promises and for what lies ahead for patient care. That is why I will continue to ask the hard questions that need to be asked of this nominee.

I will continue to fight against what I truly believe is government rationing of health care. I did so on the HELP Committee when we considered it, the Finance Committee when we considered it, and during the reconciliation process when we considered it. All, of course, were defeated by party-line votes. And I will continue to maintain that the American health care system, with all of its flaws, is the best health care system in the world. We need to fix the flaws. We do not need rationing.

In the case of Dr. Berwick, we need answers.

I yield the floor. It appears to me there is not a quorum, so 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. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CARDIN. Mr. President, I ask to speak on the Democratic time.

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

ENERGY POLICY

Mr. CARDIN. Mr. President, what has happened in the Gulf of Mexico makes one thing very clear; that is, America's energy policy is a disaster. I thank Senator KERRY, Senator LIEBERMAN, and Senator BOXER for their leadership in pointing out the need for America to get off its addiction to oil and promote safe and clean energy sources for America so that we can be independent, so that we can achieve the type of economic growth we need and contribute to a cleaner environment. If we do our energy policy right, as Senator KERRY, Senator LIEBERMAN, and Senator BOXER have been telling us, we can solve all three problems.

I must tell you, I think one of the most urgent needs for an energy policy is to make America more secure. We spend almost $1 billion a day on imported oil that goes to many countries that disagree with our way of life. Americans are actually helping to fund those who are trying to compromise America's security. That makes no sense whatsoever.

The Department of Defense has pointed out that our energy policy actually contributes to international instability. We spend a lot of money trying to figure out how we can make the world safer. One way we can make the world safer is to develop an energy policy where we are self-sufficient, where we do not have to rely on imported oil.

We can also solve the second problem, and that is economic growth. Take a look at what is happening in China. They are investing heavily in solar and wind power because they know they are going to create jobs. We want to create these clean jobs in America. We want to manufacture the component parts for solar and wind. We want to be able to manufacture component parts for nuclear. We believe we can create jobs in America by having a policy that relies more on clean energy. There are more jobs to be created, much more so than in oil. For the sake of our economy, we need to develop a comprehensive energy policy.

Then, for our environment, I can talk a great deal about why we need to move forward and get the pollutants out of our air and reward those who use clean technologies. Climate change is real. Tell the people on Smith Island, as they see their island disappearing because of the rising sea level, or tell those who see the traditional seafood industry go in decline because of warmer waters. We know climate change is real, and it is causing instability around the world. We need to deal with it.

If we need a reminder, take a look at what is happening in the Gulf of Mexico. BP originally told us there was 1,000 barrels a day leaking. Now they tell us it is 5,000. We do not know whether that is accurate. We know one thing: It has caused an environmental disaster in the Gulf of Mexico. We can expect dead zones because of oxygen deprivation. We can expect that our wetlands, which are critically important for our ecosystem and to protect our environment, will be invaded by this oil. As Senator NELSON points out frequently, if it gets into the Loop Current, it could very well go through the Keys and the east coast of the United States.

The tragedy of this is, we all know we cannot drill our way out of our energy problem. We have less than 3 percent of the oil reserves and we use over 25 percent. We know we cannot drill our way out of our energy problems.

Additional exploration will give us very little as far as energy independence. I will talk about the mid-Atlantic because I am most familiar with the mid-Atlantic. We have been told by recent studies that we may have enough oil in the mid-Atlantic to handle our energy needs for 2 months in the United States. Think about that—the risk factor versus the reward. It makes no sense whatsoever.

If we have a Deepwater Horizon episode in the mid-Atlantic, it will be catastrophic to the Chesapeake Bay. Many of us have invested a lot of energy to clean up the Chesapeake Bay. We know we need to do more. EPA has come out with its game plan. I filed legislation with my colleagues to have a stronger effort in cleaning up the bay. But if we had an oilspill in this region anywhere near what happened down in the Gulf of Mexico, it would set us back for generations.

Some say: Is that a real possibility? Could that really happen? Let me tell you about the lease site 220 off of Virginia which is being primed for offshore drilling. That is 60 miles from Assateague Island and 50 miles from the mouth of the Chesapeake Bay. The prevailing winds are toward the coast, which means a spill is likely to come on the coast a lot quicker than we saw in the Gulf of Mexico.

I have a few suggestions for my colleagues. First, we need to stop any further offshore exploration of gas or oil until we have put in place the regulatory structure to make sure we have done adequate environmental assessments before any new drilling is permitted. That is the least we can do.

We know the exploration plans submitted by BP Oil told us there was virtually no risk, and if there was a spill, they had the proven technology to make sure it did not reach our coastlines. The proven technology was these blowout protectors that we note failed in the past, had very little experience at 5,000 feet of water, and as a result we see the disaster that has unfolded.

The regulatory system is not independent. It needs to be changed. We need to make sure other agencies in the Federal Government that are knowledgeable about wildlife are consulted before permits are granted. At least we need to make sure those regulatory changes are in place.

Secondly, we need to protect, as Secretary Salazar has said, those places in America that are environmentally too sensitive to risk drilling. Secretary Salazar points with pride—and I agree—to the west coast of the United States or to the North Atlantic.

The area off the coast of the Chesapeake Bay is environmentally too sensitive to risk drilling for the little bit of oil that may be there. I urge my colleagues to provide protection—permanent protection—from the offshore drilling in the mid-Atlantic.

Then we need to consider legislation for a comprehensive energy policy in this Nation. I applaud Senator KERRY and Senator LIEBERMAN for bringing forward a proposal. It is a good start. I compliment them for the manner in which they handled offshore drilling because they give States, such as Maryland, a veto if the environmental risks are there. To me, that is far better protection than current law and better than what the administration has proposed.

I hope we can do better. There are provisions in the bill I want to strengthen. There are issues I want to make sure are added to it. But unless we get started on energy legislation, unless we bring to the Senate Floor and are willing to debate, as we should, an environmental and energy policy for our country, we won't have a chance to move on these issues.

I can't tell you how many people I have talked to in the State of Maryland who say: Look, we need to be energy independent, we need to create jobs, we need to be sensitive to the environment. But we can't do that unless we have a bill before us.

I want to applaud Senators KERRY and LIEBERMAN for their efforts. I hope we will have a chance to consider that, and I can assure my colleagues that I will have some suggested changes for that legislation in order to strengthen it so we truly can achieve the goals of making America more secure, of creating the jobs we need and being an international leader on preserving our environment to make sure that polluters do not continue to pollute our environment.

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

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

The legislative clerk proceeded to call the roll.

Mr. FRANKEN. 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.

FINANCIAL REGULATORY REFORM

Mr. FRANKEN. Mr. President, I rise today to clarify some confusion regarding two amendments adopted by the

Senate last week to the Wall Street reform bill. Some in the media have characterized the two amendments as conflicting, incompatible, or rendering one another moot, and I wish to put a quick end to that misunderstanding.

To draw these conclusions means you think there is only one problem with the credit rating industry. In fact, there have been many problems with the credit rating industry, and the two amendments passed last week tackle two different problems. In the end, these two amendments can be implemented concurrently and effectively.

My colleague from Florida offered an amendment that he stated ''writes NRSROs out of the law.'' NRSROs are a select group of credit rating agencies recognized by the SEC. But in fact his amendment does not get rid of credit rating agencies and it does not get rid of the category of NRSROs. This is based on our reading of the text in our office, the Senate legislative counsel's office has confirmed this, and several academics in the field have further confirmed it. The amendment simply does not eliminate NRSROs. Instead, the LeMieux amendment eliminates provisions in Federal laws that require reliance upon ratings from NRSROs.

For example, this amendment eliminates a provision that requires certain State-chartered banks to only buy securities with top NRSRO ratings. It replaces this provision with a requirement that banks may only acquire securities which meet ''creditworthiness standards'' established by the FDIC.

The amendment also changes a provision in which the Director of the Federal Housing Finance Agency may hire an NRSRO to conduct a review of Fannie Mae, Freddie Mac, or the Federal Home Loan Bank. Under Senator LEMIEUX's amendment, the reviewer need not be an NRSRO. So while the amendment eliminates reliance upon NRSROs, it does not eliminate the NRSRO designation or eliminate credit rating agencies.

One can argue that there are benefits to reducing overreliance on NRSROs. Regulators gave little thought to the types of debt held by banks because they were rated AAA. Perhaps the regulators should have looked at factors other than the AAA rating before waving through these volatile securities. This is all true, and the LeMieux amendment seeks to address it.

But here is the problem. Here is the problem. Eliminating federally mandated reliance on NRSRO credit ratings doesn't change the fact that State laws, pension fund policies, and other private market actors will still explicitly rely on NRSRO ratings. Eliminating blind overreliance on NRSRO ratings is a respectable goal, but the amendment will not eliminate reliance on credit ratings entirely, nor should it.

For example, at least 5 of the 10 largest pension funds—California Public Employees, California State Teachers, Texas Teachers, Wisconsin Investment Board, and New Jersey Retirement funds—are required by State law or internal policy to use NRSRO ratings. These are funds totaling over $½ trillion—and that is just the top 10. In fact, in my colleague's home State of Florida, the Local Government Surplus Funds Trust Fund controls $6 billion in assets from 954 local governments and school districts, and the fund explicitly conditions purchases of asset-backed securities on NRSRO credit ratings.

In fact, 42 States, plus the District of Columbia, incorporate NRSRO ratings into their State laws. So NRSRO ratings are not going anywhere. The LeMieux amendment has absolutely no effect on those requirements. The simple fact is that credit rating agencies have a place in the market and they perform a needed function.

Most institutional investors simply lack the capacity to perform the analysis that credit rating agencies perform. For many small institutional investors, such as a school district's pension fund, researching its own investments would be cost prohibitive. It needs to rely at least in part on credit ratings issued by a rating agency.

Let's say we want the LeMieux amendment implemented into law as has been passed. After its implementation we still have the issue of States and pension funds and other investors relying on NRSRO ratings.

I should say, the amendment wasn't passed into law, but it was passed as an amendment to this bill. So we still will have to rely on NRSRO ratings. But not only that, it is also very likely that Federal regulators will continue to use credit ratings as part of their new creditworthiness standards. So it is safe to say that the credit rating agencies will still be very much a part of the market. What is being done to ensure the accuracy of these ratings?

That is where my amendment comes in. Eliminating government-mandated reliance on NRSRO ratings is one thing, but actually changing the way they play the game to eliminate conflicts of interest is entirely another. My amendment gets to the heart of how they play the game.

Right now, credit rating agencies have incentives to hand out top AAA ratings to every product because they need to maintain their business. If they hand out low ratings, issuers of financial products can go shop around for a higher rating from a different rating agency. My amendment finally puts a stop to the rating shopping process and implements a system that would finally reward accuracy instead of grade inflation.

The board created by my amendment—and contrary to some claims, this board will be a self-regulatory organization, not a part of the government—will create a process to assign a credit rating agency to provide a product's initial rating. This will eliminate the rating shopping process and the conflict of interest it creates. The board can take past performance into account in handing out further assignments and finally incentivize accuracy in the market.

The amendment offered by my colleague from Florida has an admirable goal—to eliminate blind overreliance on credit ratings. But it does not go far enough and does not get to the heart of the problem. The heart of the problem is that the current market incentivizes inaccurate ratings, which contributed to the financial crisis—which was a huge part of the financial crisis.

Alone, my colleague's amendment doesn't respond to the reality that the market will still demand credit ratings, whether the Federal Government mandates it or not. State laws, pension fund policies, and private investors will continue to exist and continue to need the expertise credit rating agencies can supply, if given proper incentives.

Our amendments each tackle a different part of the problem, and there is nothing about them that would prevent them from both being implemented. That is why this body passed both of them. Together, these two amendments will both reduce the blind overreliance on credit ratings and ensure that the ratings demanded by the marketplace will finally be accurate.

Any assertion implying that these two amendments cannot be reconciled or are contradictory is ill-informed. In fact, these amendments will go a long way in addressing the multiple problems plaguing the credit rating industry. Together, they will create more stability and certainty in our economy.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I wanted to share with my colleagues an update on where we are with the bipartisan amendment on which I have been working so hard. I see Senator SANDERS of Vermont is here, and he is one of my cosponsors, as is the Presiding Officer, Senator UDALL of New Mexico.

The amendment, as you know, would allow States to protect their citizens from exorbitant interest rates that are charged by out-of-State banks. There is a trick to this. Years ago, the Supreme Court made a decision saying when a bank is in one State and a consumer in another, the transaction between them is governed by the laws—and here they had to pick one State or the other—the bank's State. It didn't seem like a big deal at the time, but it opened a loophole that crafty bank lawyers figured out, and that is that you could move and redomicile a bank's headquarters in the State with the worst consumer protection laws in the country. Then, from that State, you could market back to other States which have consumer protections, which have interest rate limits honoring the tradition of usury restriction that was at the founding of this country and that lasted for hundreds of years but goes back to all our ancient religions and which is a constant in human civilized

legal codes. This overruled all of that, allowing them to sneak right by it because they have either gone to or perhaps even cut a deal with their home State to have the worst consumer protection and be able to take advantage of people in other States. It is the proverbial race to the bottom. I am confident if you called up on the Senate floor as the government's policy proposal the way it is right now, you would not get a single vote. Who would vote for the notion that the consumer protection policy of the country is going to be set by the worst State and have that be a situation in which the worst State is usually getting rewarded by the industry for being the worst State?

It is a bad situation. This amendment has gotten a lot of attention. It has gotten a lot of support—it has bipartisan support. It is a very practical thing we can do for American consumers.

This is a pretty esoteric piece of legislation in a lot of ways, this Wall Street reform bill. This does things like trying to rebuild the Glass-Steagall firewall. Until I got in the middle of this debate, I couldn't tell what that was. This changes the leverage limits and puts restrictions on what banks can do. That is pretty esoteric stuff. This deals with the regulation of derivatives and collateralized debt obligations and credit default swaps and things that nobody ever heard of until we were drilled into this legislation—esoteric, preventive stuff. But this piece of the bill, this amendment would enable all of us to go home and tell our constituents: You know those 30 percent penalty rates that your out-of-State credit card company drops you into if you make a mistake, if you are late in a payment, for no reason at all? We have done something to protect you against that—consistent with the traditions of our country, our laws, consistent with the doctrine of federalism and States rights, consistent with the Founding Fathers' delegation to the States, the ability to protect consumers in this way. We have restored the States rights. They are no longer trumped by an out-of-State corporation. Now they have the sovereign right they should to protect consumers.

I think it is a meritorious piece of legislation. I think it is an amendment that deserves consideration on the floor. It is beginning to appear that it may not actually even get a vote, notwithstanding that it is pending. We may be edged right out.

I want to explain why. People who have been watching this debate have seen long hours of nothing happening on this floor. There has been a lot of delay. There has been a lot of delay allowing us to get to amendments. Why is that? We are up against a time restriction on this bill. It is a practical time restriction. The leader needs to make sure we pass the supplemental Defense appropriations bill that funds our troops. What could be more important than, when we have troops in the field, overseas, serving our country, putting themselves in harm's way, that we provide them the resources they need to be successful? We have to do that.

We have to do something to increase the strength of our economy. In Rhode Island we are at 12.6 percent unemployment. We have been in the top three States for unemployment every single month of the Obama administration.

I think we are in the 28th month of severe recession. So we know how bad this economy is and how much more we need to do to try to bolster it. So we need to get to the next jobs bill, the jobs and tax extenders bill, to make sure we are providing the necessary support to our economy.

We have to get to those things. Because of all the delay that our friends on the other side have built into the process we are now getting into the end point where we are starting to be squeezed for time.

Now that we are squeezed for time, they are refusing to give time agreements to amendments like mine that would actually make a difference. They do not want to vote in favor of out-of-State corporations and against their home State's ability to protect their home State's fellow citizens. But they do want the out-of-State corporations to win. They don't want to vote in their favor, but they want them to win.

If that is your position, the perfect thing is to delay and delay until it gets to be here at the end, crunch time, then take the amendments that worry you, the amendments that will get after the big banks, the amendments that will be fair to consumers, and refuse to give time agreements and vote agreements on those and basically run out the clock.

That is the position we are in right now. It appears there is no willingness on the other side of the aisle to give this a vote—not just at a 50-vote margin, even at a 60-vote margin. They don't want to be on record supporting these out-of-State credit card companies that are gouging their own citizens. They just want them to win, and they figured out this way to do it.

The only alternative is to call up the bill, what is called postcloture, which means I have to be technically something called germane. Right now we are working with the Parliamentarian to argue as strongly as we can that we are indeed germane. It is an open question whether we are indeed germane, and I hope it gets resolved in our favor before the bill comes up in its regular order postcloture.

That is the situation. If people are wondering why this amendment does not appear to be on any list, is not going anywhere, it is because there is a blockade of it on the other side. They are taking advantage of the time crunch that they created with all the delays that led us to this time crunch to squeeze out the amendments where they do not want to vote for the big banks, they don't want to vote for the big credit card companies, but they do want the big banks and the big credit card companies to win. So it is the squeeze play at the end to try to drive these impactful amendments that will make a tangible, immediate difference in the lives of Rhode Islanders and the lives of their home State citizens, the ones paying that 30-plus percent interest rate that until very recently would be a matter to bring to the authorities of this country, not a matter that the Senate tried to defend. So that is where we are.

I will continue to work with the Parliamentarian to make sure we are germane postcloture, and I will continue to argue to try to get a vote. But forces are arrayed against us at this point, and I want to be perfectly candid about it.

I yield the floor.

Mr. MERKLEY. Mr. President, 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.

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

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

Mr. BOND. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

Mr. BOND. Mr. President, for weeks now we have been debating the financial reform bill, which is being sold to the American people as the solution to holding Wall Street accountable for the economic crisis that hurt every American family and business in every community across the Nation.

Unfortunately, in this current form, the so-called reform bill will actually punish Main Street America, the families who suffered from and did not cause the financial meltdown. It should be a wakeup call when Lloyd Blankfein of Goldman Sachs says Wall Street will be the big winner under this bill, and we know the people who provide jobs, essentially small business, and the people who provide credit to the rest of America are warning of dire consequences.

Let me make this clear. This bill was meant to rein in Wall Street. Yet it is supported by Goldman Sachs and Citigroup. It is opposed by small business and community bankers. I think that tells you all you need to know about this bill. That is why I rise today in strong opposition to cloture on this bill. Yes, we made some improvements on the bill, and I congratulate the leadership for allowing us to have amendments and debate them, and I thank and I am grateful to my colleague from Connecticut, Senator DODD, for working across the aisle to remove an onerous provision that unintentionally

would have killed small business startups. Senator DODD has worked in good faith in a bipartisan fashion to make real changes in the bill. But despite the progress we have made, the provisions most destructive and harmful to taxpayers, families, and small business still remain.

First, it is completely unbelievable and unacceptable that so many of my colleagues want to turn a blind eye to the government-sponsored enterprises Fannie Mae and Freddie Mac which contributed to the financial meltdown by buying the high-risk loans that banks were pushed to make to people who could not afford them.

They were the enablers of the issuance of bad mortgages. Everyone here knows what I am talking about. Despite the bill's 1,400-plus pages, it completely ignored the 900-pound gorilla in the room. The need to reform Fannie Mae and Freddie Mac, or the ''toxic twins'' as I refer to them, is completely ignored. How can you ignore the major government-sponsored enterprises that were the enablers for the bad mortgages that brought our system and much of the world's system down?

To add insult, Fannie Mae and Freddie Mac devastated entire neighborhoods and communities as property values diminished. But when they bought up loans and encouraged issuance of loans to people who could not afford them, that turned the American dream of home ownership into the American nightmare for far too many families.

Fannie Mae and Freddie Mac went belly up, and now it is the very Americans who suffered from their irresponsible actions who are left footing the bill for them, because, if it were not bad enough, unless we act now to reform the toxic twins, over the next 10 years, Fannie Mae and Freddie Mac will run up hundreds of billions of dollars.

Let me put that into perspective. Freddie Mac lost $8 billion in the first quarter, one quarter of this year, and an additional $10 billion from taxpayers, and warned that it will need more in the future. That comes on top of the $126 billion that Fannie Mae and Freddie Mac had already lost through the end of 2009.

To make matters worse, this administration has taken off the $400 billion credit card limit on Fannie Mae and Freddie Mac, and it is our credit card they took the limit off. How much more does the administration think Freddie Mac and Fannie Mae can lose? How much more are they going to force not just us as taxpayers but our children and grandchildren to pay to bail out these toxic twins?

Next, a great concern I have is that this bill lumps in the good guys with the bad guys and treats them all the same, particularly when it comes to derivatives. When it comes to derivatives, this bill lumps in those folks who try to manage risk and control costs by making long-term contracts with their suppliers or with their purchasers to even out the prices at which goods are exchanged. These are normal hedging contracts, and they are very different from the people who are speculating in the market to make a buck by shady bets with money they did not have or they were making insurance bets on property they did not own.

I would urge my colleagues, if they have not read it, to read ''The Big Short'' which talks about how this whole scam unfolded with the bad underlying mortgages that caused the meltdown.

I have heard some folks say, what actually does this bill mean to you and me? Well, it means, for instance, that utility companies may not be able to lock in steady rates for their customers, leaving them instead at the whim of the volatile market. They will have to clear all of their long-term contracts and pay billions of dollars to Wall Street or Chicago to clear the normal long-term contracts with energy suppliers whom they work with on a regular basis, and whose contracts never contributed a nickel to the volatility.

As a matter of fact, by locking in prices, they were able to produce their energy at a reasonable rate. The billions of dollars these utility companies will be forced to cough up to Wall Street and Chicago will come down to each and every one of us on our utility bills. When the utility companies have to pay more, guess what. We, as ratepayers, get it in the wallet. That is where we will feel it, and that is what it means in every community in this country. You will be paying a higher cost every time you flip on the light switch, turn on the air conditioning, or use a computer. You will pay more for that energy.

For family farms, the backbone, the agricultural backbone of our country, they will not be able to get long-term financing. That may force some of them to quit farming and prevent others from even getting started.

Frankly, I am stunned that any Senator in good conscience would vote for a bill that would increase costs for every American, especially at a time when working families are struggling to make ends meet. What will this do to business? These businesses, who will be forced to pay higher energy costs, who will have requirements on derivatives that have to be cleared, may not create the jobs.

The community bankers who make the loans that families need or that small businesses need may be so strapped they cannot make the loans. That credit will dry up. I cannot vote for a bill that creates a massive new superbureaucracy with unprecedented authority to impose government mandates and micromanage any entity that extends credit.

We are not talking just about the Goldman Sachs and AIGs of the world, the ones at the center of this crisis. No, in the real world we are talking about this organization, this Consumer Finance Protection Board or Bureau, regulating the community banks, your car dealers, even your dentist or orthodontist who has to extend some credit to a few people for expensive orthodontic features.

Don't be fooled. Any of the new costs as a result of the new mandates and regulations will be passed on to the consumers. The very people the bill was supposed to protect—you and I—will get to pay for it.

Under this new superbureaucracy misnamed the Consumer Financial Protection Bureau, will safety and soundness requirements for healthy banks give way to a prevailing agenda of the new bureaucracy? There will be political appointees of the President who will be looking over everything as consumer protectors.

Some of these consumer protectors were the ones who forced banks to make loans to people who could not afford them in the past. Will the safety and soundness which is key to assuring a sound banking system be overridden by these rules and regulations?

These regulations can be enforced by every attorney general in the Nation. Attorneys general may decide it is an abusive practice if a community bank does not follow the mandates, the credit allocations, mandated to this CFPB. How would the community banks be able to operate if the attorneys general are suing them? This bill, regrettably, is much like the health care bill recently signed into law, because I fear that small businesses will soon learn that there are many more unintended consequences which have yet to be seen.

I ask unanimous consent that at the end of my remarks, I have printed in the RECORD an article by Meredith Whitney that appeared in yesterday's Wall Street Journal, one of the people who foresaw this crisis coming, who warned of the impact on small business.

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

(See exhibit 1.)

Mr. BOND. To sum up my view on this bill, if the goal here is to enact real reform that ensures we never have another financial crisis such as the one we had 18 months ago, this bill falls woefully short of the goal. The bill is light on reform of Wall Street and the bad actors, it is heavy on overreach and unintended consequences throughout our economy, which will affect the ability of people to get and hold jobs.

It will affect the budgets of every family. My colleagues I hope will oppose cloture and continue to work to pass bipartisan amendments that will make changes to the destructive provisions I have outlined above.

Let us not forget about the rating agencies. The book I mentioned, ''The Big Short,'' pointed out that the braindead analysts at the ratings firms routinely put AAA ratings on some of the

most toxic, worthless paper, and then other people managed to buy insurance on those bad contracts even though they did not have any interest in them and made millions.

This amendment takes out the rating agencies, but the rating agencies still need to be overlooked and they ought to be funded not by the people who issue the paper but by the people who are buying the paper.

There is no doubt that everybody here knows we need to protect Americans from falling victim to another Wall Street gone wild. This is government gone wild. It benefits Wall Street. It harms small business, community bankers, your local utility company, which sends you your utility bill. Is that on the right track? I do not see how anybody can say it is.

We do not want—and this is why this debate is so important—to punish the everyday Americans for a crisis they did not cause and whose impact they feel the burden, and our children will feel it, for years to come. Unless we succeed in it, the Democrats' bill will do just that. The cost will be paid by Main Street and by each and every one of us. Therefore, I urge my colleagues to oppose cloture and let us get to work on regulating what went bad and not messing with things that work.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, May 17, 2010]

THE SMALL BUSINESS CREDIT CRUNCH

(By Meredith Whitney)

The next several weeks will be critically important for politicians, regulators and the larger U.S. economy. First, over the next week Capitol Hill will decide on potentially game-changing regulatory reform that could result in the unintended consequences of restricting credit and further damaging small businesses.

Second, states will approach their June fiscal year-ends and, as a result of staggering budget gaps, soon announce austerity measures that by my estimates will cost between one million to two million jobs for state and local government workers over the next 12 months.

Typically, government hiring provides a nice tailwind at this point in an economic recovery. Governments have employed this tool through most downturns since 1955, so much so that state and local government jobs have ballooned to 15% of total U.S. employment.

However, over the next 12 months, disappearing state and local government jobs will prove to be a meaningful headwind to an already fragile economic recovery. This is simply how the math shakes out. Collectively, over 40 states face hundreds of billions of dollars in budget gaps over the next two years, and 49 states are constitutionally required to balance their accounts annually. States will raise taxes, but higher taxes alone will not be enough to make up for the vast shortfall in state budgets. Accordingly, 42 states and the District of Columbia have already articulated plans to cut government jobs.

So the burden on the private sector to create jobs becomes that much more crucial. Just to maintain a steady level of unemployment, the private sector will have to create one million to two million jobs to offset government job losses.

Herein lies the challenge: Small businesses, half of the private sector (and the most important part as far as jobs are concerned), have been heavily impacted by this credit crisis. Small businesses created 64% of new jobs over the past 15 years, but they have cut five million jobs since the onset of this credit crisis. Large businesses, by comparison, have shed three million jobs in the past two years.

Small businesses continue to struggle to gain access to credit and cannot hire in this environment. Thus, the full weight of job creation falls upon large businesses. It would take large businesses rehiring 100% of the three million workers laid off over the past two years to make a substantial change in jobless numbers. Given the productivity gains enjoyed recently, it is improbable that anything near this will occur.

Unless real focus is afforded to re-engaging small businesses in this country, we will have a tragic and dangerous unemployment level for an extended period of time. Small businesses fund themselves exactly the way consumers do, with credit cards and home equity lines. Over the past two years, more than $1.5 trillion in credit-card lines have been cut, and those cuts are increasing by the day. Due to dramatic declines in home values, home-equity lines as a funding option are effectively off the table. Proposed regulatory reform—specifically interest-rate caps and interchange fees—will merely exacerbate the cycle of credit contraction plaguing small businesses.

If banks are not allowed to effectively price for risk, they will not take the risk. Right now we need banks, and particularly community banks, more than ever to step in and provide liquidity to small businesses. Interest-rate caps and interchange fees will more likely drive consumer credit out of the market and many community banks out of business.

Clearly, the issue of recharging the securitization market as an alternative source of liquidity is one that needs to be addressed over time, but politicians should not force rash regulatory reforms when significant portions of our economy remain fragile. The very actions designed to ''protect'' the consumer, such as rate caps and interchange fees, will undoubtedly take more credit away from the consumer.

It is important now to support any and all lending activities that would enable small businesses to begin hiring again. If the regulatory reform passes with rate-cap and interchange regulation amendments incorporated, small businesses will be hurt rather than helped. Politicians and regulators need to appreciate the core structural challenges facing unemployment in the U.S.

Elected officials know better than most that an employed voter is better than an unemployed voter. They should improve their odds of re-election and do the right thing on regulatory reform.

Mr. HATCH. Mr. President, I rise today to express my opposition to S. 3217, the Restoring American Financial Stability Act. I am not opposed to financial regulatory reform, but there is precious little of that in this misnamed bill.

No, real financial regulatory reform is something that should have been done a year ago, but, instead, Democratic leaders and the Obama administration opted to focus on a Washington takeover of our Nation's health care system.

There are a few parts to the Restoring American Financial Stability Act that are worthy of support. In particular, I believe we need to monitor derivatives to require more capitalization and demand issuers maintain a stake in the game when creating and selling certain financial instruments. However, I think this bill is going to do more harm than good to our economy. It will weaken our financial system rather than strengthen it. Furthermore, it not only preserves the fragmented financial regulatory structure that is already in place but adds even more burdensome, costly, and misguided regulations. Before I list my concerns about the bill, I am going to address the specious accusations I have heard from the other side of the aisle that Republicans are being obstructionist or trying to protect the interests of Wall Street over those of Main Street. Give me a break.

These accusations are not only false, they are aimed at diverting attention from our solutions to a bad bill by attacking our credibility and motivations. We are not trying to protect anyone except the American people who are the victims of this economic collapse.

Let me be clear that every Senate Republican and I want financial regulatory reform in order to prevent a recurrence of what happened a couple of years ago with the collapse of our financial markets. But the problem with this proposal is that it not only regulates Wall Street but also Main Street. It goes beyond regulating large financial institutions that caused the problem and proposes to regulate community banks and credit unions, payday lenders, and other small businesses and almost any business that provides financing to their customers. If the other side is implying that we are trying to protect Wall Street because we have some sort of special relationship with large financial institutions, that is blatantly false on its face and simply not true.

Large financial institutions contributed way more to Democrats than Republicans in the last election and elections before that. If anyone is guilty of trying to do a special favor for Wall Street, it certainly isn't this side. That is all I can say. If you look at the financial filings, it is pretty darn clear who Wall Street supported.

If anything, I believe this bill will benefit Wall Street in the sense that it is something they can always get around. It would provide a perpetual bailout for large financial institutions. I know there is an argument against that, but look at the bill. It would require higher capitalization for many of the companies in which these institutions invest and place larger financial institutions at an unfair advantage over smaller financial institutions.

But don't take it from me. Take it from the CEO of Goldman Sachs, Lloyd Blankfein, who said ''the biggest beneficiary of reform is Wall Street itself.'' He is a smart guy. He deserves to be the president of Goldman Sachs, one of

the more important companies on Wall Street. There isn't any way they would not get around whatever we do today. They are the smartest people on Earth. So the claim that Republicans are trying to protect Wall Street doesn't hold very much water at all.

Some on the other side of the aisle have claimed our objective is to obstruct passage of any financial regulatory reform bill. I can't agree with that. In fact, I cannot disagree more. Not only did a Democrat join Republicans in voting against proceeding to this bill, another Democrat who serves on the Banking Committee and has been involved in negotiations noted that the concerns being raised by Republicans about potential bailouts of large financial institutions are legitimate. He validated our concerns by stating that ''there are parts that need to be tightened.'' So at the very least, both Democrats and Republicans believe this bill leaves a lot of room for improvement.

I would like to turn my attention to the substance of the bill. The reasons I am opposed to this legislation are because, along with many others, I have serious misgivings about its effectiveness, specifically the FDIC's orderly liquidation authority, the overregulation of the consumer protection agency, and the lack of reforming Freddie Mac and Fannie Mae. The meltdown of our financial markets highlights a major flaw in our financial regulatory system—the expeditious dissolution of a financial institution.

I recently finished reading former Treasury Secretary Hank Paulson's book, ''On The Brink,'' which details the time leading up to the catastrophic failures and the handling of the crisis. I would like to read a short passage:

> Back in my temporary office on the 13th floor, a jolt of fear suddenly overcame me as I thought of what lay ahead of us. Lehman was as good as dead, and AIG's problems were spiraling out of control. With the U.S. sinking deeper into recession, the failure of a large financial institution would reverberate throughout the country—and far beyond our shores. It would take years for us to dig ourselves out from under such a disaster.

What I took away from this book was the enormity and complexity of trying to dissolve these large financial institutions before their assets disappeared. There is no doubt that our current system is incapable of handling such a complicated task. In fact, over the last few weeks, I not only read ''On The Brink,'' but I read ''The Ascent of Money.'' I read ''The Panic of 1907'' and was amazed at the correlation between 1907 and 2007. I read ''On The Brink'' by Hank Paulson. I read Sorkin's book, ''Too Big To Fail.'' Just last weekend I read the book, ''The Big Short,'' by Michael Lewis, which is an excellent read. They have all been excellent reads. That is in the last few weeks.

The Federal Deposit Insurance Corporation, or FDIC, was established in 1933 to insure bank deposits. It mainly deals with the common brick-and-mortar bank that most of us use on a daily basis. It oversees roughly 8,000 depository institutions and $9 trillion in deposits. In the aftermath of the economic collapse, the FDIC administered 25 bank failures in 2008 and 140 in 2009. That is approximately 2 percent of all the banks they oversee.

Despite such a low percentage, the FDIC's deposit insurance fund was nearly depleted. According to the Federal Reserve, there are approximately 5,000 top-tier bank holding companies with roughly $17 trillion in assets. The top 10 largest financial institutions hold $9 trillion in assets. The current financial regulatory reform bill proposes to provide the FDIC with an orderly liquidation authority to unwind not only depository institutions but now large financial institutions that pose a systemic risk to our financial system.

With the passage of this bill, the FDIC would be responsible for unwinding nearly double the total number of assets. However, the magnitude of the task is the least of my concerns. By taking the resolution out of the bankruptcy courts, with all of their expertise, and putting it in an executive branch administrative proceeding conducted by politically appointed bureaucrats, we definitely lose transparency and accountability. It is ridiculous.

If you would like to see a glimpse of the consequences of losing transparency and accountability, just look at the FDIC's behind-closed-doors handling of Washington Mutual. During a Senate investigatory hearing last month, former Washington Mutual Chief Executive Kerry Killinger denounced the FDIC's handling of the bank failure as ''unnecessary'' and ''unfair,'' partly because the thrift was shut out of hundreds of meetings and phone calls with financial industry executives who determined the ''winners and losers'' in the crisis.

Our current bankruptcy courts avoid many of the problems associated with creating a government resolution authority and are a superior way of dealing with failed or failing nonbank financial firms. The bankruptcy courts make dissolving large institutions transparent. That is why we have them. They are experts at it. They know what they are doing. We can all watch what they are doing. We can read the pleadings. We can do a lot of things that bring transparency. The other way will not.

That brings me to my next concern with this bill, the creation of the Consumer Financial Protection Agency. Of course, I think we can all agree we need to strengthen consumer protection within our financial system. But I first believe we need to ask what went wrong with the current system before we create yet another government agency to create more regulations and oversight.

This will only make it more difficult for consumers and small businesses to obtain a loan, a line of credit, or a credit card. The entire alphabet soup of Federal Government agencies—the FDIC, OCC, SEC, FTC, and the Fed—all have consumer protection divisions. However, these divisions did not meet the standard of protection we need. Extracting these consumer protection arms from each of the agencies and putting them in a new agency is like taking the worn parts from several clunkers and using them to build another car. You will still have a clunker.

Furthermore, think of the costs that new local banks, credit unions, payday lenders, and other industries that deal with credit, such as auto dealers and other small businesses, will incur when trying to comply with all these new, overly burdensome regulations.

But the worst part of this legislation is what it is missing—reform of Fannie Mae and Freddie Mac. These two mortgage agencies caused the financial crisis by backing loans to people who couldn't afford them. But that certainly didn't stop Uncle Sam from bailing them out at a cost to taxpayers of some $145 billion. This financial abuse is swept under the rug because the debt is not put on our books. These companies, which the government now fully owns, are not considered government agencies and, therefore, are not included when tallying up our outrageous trillion-dollar deficits. I might add, that is just the beginning. We all know Fannie and Freddie are about to explode into all kinds of bigger problems, some estimate as much as $500 billion. That is scary. Yet we are not doing a doggone thing about it in this bill.

We should have faced the music and done whatever we could. A lot of games are played with the budget.

As I said before, I support financial regulatory reform. However, this bill falls short of reform and opens the way for another economic collapse to occur. It will unjustly protect companies that are deemed too big to fail by providing them preferential treatment during FDIC-conducted liquidations. It will create costly burdens for the 99 percent of financial institutions that did not cause the financial collapse, and it misses the mark by not addressing the reform of Fannie Mae and Freddie Mac.

There are other reasons, but I think I will limit my remarks today to those few. Those few involve trillions of dollars, involve all kinds of future problems for our country, and I think will lead us even further down the path of poor economics, higher debt, higher spending, more and more government, and less and less control by the people.

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

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. 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.

RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3217, which the clerk will report.

The bill clerk read as follows:

A bill (S. 3217) to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

Pending:

Reid (for Dodd-Lincoln) amendment No. 3739, in the nature of a substitute.

Brownback further modified amendment No. 3789 (to amendment No. 3739), to provide for an exclusion from the authority of the Bureau of Consumer Financial Protection for certain automobile manufacturers.

Brownback (for Snowe-Pryor) amendment No. 3883 (to amendment No. 3739), to ensure small business fairness and regulatory transparency.

Specter modified amendment No. 3776 (to amendment No. 3739), to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such act.

Dodd (for Leahy) amendment No. 3823 (to amendment No. 3739), to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers.

Whitehouse modified amendment No. 3746 (to amendment No. 3739), to restore to the States the right to protect consumers from usurious lenders.

Dodd (for Cantwell) modified amendment No. 3884 (to amendment No. 3739), to impose appropriate limitations on affiliations with certain member banks.

Cardin amendment No. 4050 (to amendment No. 3739), to require the disclosure of payments by resource extraction issuers.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 3789

Mr. MERKLEY. Mr. President, I ask for the regular order in regard to amendment No. 3789.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 4115 TO AMENDMENT NO. 3789

(Purpose: To prohibit certain forms of proprietary trading, and for other purposes)

Mr. MERKLEY. Mr. President, I offer a second-degree amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Oregon [Mr. MERKLEY], for himself and Mr. LEVIN, proposes an amendment numbered 4115 to amendment No. 3789.

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

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. The Senator does not have the floor. The Senator from Oregon has the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

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

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

Mr. DODD. Madam President, I ask unanimous consent that at 2 p.m. today, the Senate consider the Snowe amendment No. 3883 and a Landrieu side-by-side, No. 4075, and that they be debated concurrently for a total of 30 minutes, with the time equally divided and controlled in the usual form; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Landrieu amendment No. 4075, to be followed by a vote in relation to the Snowe amendment No. 3883; that no amendment be in order to either amendment prior to a vote; that upon disposition of these amendments, the Senate then resume the Whitehouse amendment No. 3746, as modified, and there be 2 minutes of debate equally divided and controlled with respect to the amendment; that upon the use of time, the Senate proceed to vote in relation to the amendment, with the amendment subject to an affirmative 60-vote threshold, and that if the amendment achieves the threshold, it be agreed to and the motion to reconsider be laid upon the table; that if it does not achieve that threshold, then it be withdrawn; that no amendment be in order to the Whitehouse amendment; that upon disposition of the Whitehouse amendment, Senator VITTER be recognized to call up his amendment No. 4003, which is in order to be called up per a previous order; that once the amendment is pending, it be modified with the language of the Pryor amendment No. 4087, and that as modified the amendment be agreed to and the motion to reconsider be laid upon the table; that once this agreement is entered, Senator BARRASSO be recognized to speak in morning business, with no amendments or motions in order during this period; that the cloture vote be delayed until disposition of the above-mentioned amendments; and that upon the conclusion of Senator BARRASSO's remarks, the Senate stand in recess until 2 p.m.

The PRESIDING OFFICER. Is there objection? The Senator from Michigan.

Mr. LEVIN. I object and suggest the absence of a quorum.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

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

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

Mr. REID. Madam President, I ask unanimous consent the Senator from Wyoming, Mr. BARRASSO, be recognized for up to 15 minutes; that following his remarks, the Senator from Ohio, Mr. BROWN, be recognized for up to 15 minutes; that following that, the Senate go into a recess at that time, after the two Senators finish their speeches, until 3:15 today. The two Senators are going to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wyoming is recognized.

HEALTH CARE REFORM

Mr. BARRASSO. Madam President, I come to the floor as someone who has practiced medicine in Casper, WY, since 1983, as an orthopedic surgeon taking care of many of the families in the great State of Wyoming. I come to you to talk about the health care bill that has been signed into law and to provide a doctor's second opinion about what is now the law of the land.

I come to you as someone who has worked very hard for many years, working with preventive medicine and early detection of problems as a medical director of the Wyoming Health Fairs, a program designed to give people information to stay healthy and keep down the cost of their care.

I come to you with a second opinion on what is now the health care law because I believe the goal of health care reform should be to lower costs, improve quality, and increase access to care.

Unfortunately, the new health care law, in my opinion, is going to be bad for patients, for providers—the nurses and doctors who take care of them—and for the payers, the people paying the bills—the patients as well as the American taxpayers.

I am concerned that the health care bill signed into law is going to increase the cost of care, provide less access to care, and is going to lessen the quality of the available care in this country.

I come to you with new information that has come to light on the health care bill and, specifically, an article that was in Politico this Monday, May 17, written by Kathleen Sebelius, the

Secretary of Health and Human Services. What she said in this article is:

We are collaborating with States to set up federally funded high-risk insurance pools to make sure that the Americans with the greatest need for health insurance will be able to get it.

Madam President, you know as well as I that there is an old phrase in politics that goes: ''How does it play in Peoria?'' It is referring to Peoria, IL, and means what is the average American thinking about this. Regarding this health care law, it is not playing very well in Peoria. Peoria is a place that President Clinton referred to when he was running, as did George W. Bush, Ronald Reagan, and President Obama. Those Presidents went to Peoria to talk with people. Yet, when you look at what the Peoria Journal Star has reported about this health care bill, which is now law, in the President's home State, a place that is felt to be the bellwether for political thought in the country, Peoria, IL, the verdict is not good about this health care bill which is now law. I will start with an article that appeared in the Peoria Journal Star that talks about what is happening in Illinois today. It says:

For thousands of Illinois residents who pay high health insurance premiums because of medical problems, the new federal health care legislation won't offer relief.

It will not offer relief, this says. Continuing:

The 16,000 residents who already pay into Ilinois' high-risk health insurance pool will keep paying high rates, while others who enroll this summer under a new, similar program will get coverage at lower, more reasonable prices.

What happened here? This is one of the fundamental flaws. Only the people who have been uninsured for 6 months are eligible—meaning those in the current State pool cannot switch and save money. How do the people of Illinois feel about this? How is it playing in Peoria? Quite poorly.

Julie Kramer is quoted in the article. She is 53. She said she is ''feeling a bit cheated,'' in her words, by this health care law. She has paid high premiums for nearly 7 years in the Illinois high-risk pool; she has played by the rules and has done what she needed to do. Is she being helped by the new health care law? Not at all, and she is feeling cheated.

She went on to say that:

. . . it feels very unfair. It goes against the spirit of what health care reform was supposed to be.

Ms. Kramer is a self-employed writer and owner of Full Moon Marketing Communications in Vernon Hills. She said: ''This does seem like a low blow.''

Members of the Senate voted for the bill about which this person says she feels a bit cheated, it seems unfair, and it seems like a low blow. The existing program is called the Illinois Comprehensive Health Insurance Program. Thirty-four other States have similar programs.

People in this Illinois program pay 25 to 50 percent higher—more than standard rates. So they pay their premium; they pay every month. They continue to pay. Yet they are feeling cheated, they feel it is unfair and is a low blow.

Even the Illinois Department of Insurance—their director—understands this lady's frustrations. To even the playing field, the director said the State legislature would have to act to reduce the premiums. You cannot rely on Washington. Illinois expects to receive money from the Federal Government to start the new high-risk pool. The insurance department says there might be enough money to cover about 5,000 people in the new plan. How does that compare? Far fewer—according to the article in the Peoria, IL, paper, far fewer than the number of people who may qualify. A Government Accountability Office report said about 218,000 people might be eligible for a high-risk pool in Illinois.

Well, what does the Illinois high-risk pool Web site say? They sent a letter to enrollees—the people who pay their premiums month after month and play by the rules—and it says it is unlikely Federal funds will be available to reduce premiums paid by the current enrollees—the people who have played by the rules and have continued to pay the bills. They didn't actually send out this letter. They put it on their Web site. They wanted to send it out, but they didn't have the $5,000 for postage to send this letter to the people who have been sending thousands and thousands of dollars into this high-risk pool every year.

The director said: No, we have not mailed the letter because the cost of mailing was prohibitive, given that we have, at this point, not received any actual funding. He said it would be inappropriate to withdraw funds to send such a letter.

Well, Julie Kramer was shown the letter on the Web site, and she said: You know, I did feel a little flash of anger and disappointment when I read it.

I say to the Secretary of Health and Human Services—who wrote a letter to those in Washington via Politico, who said we are doing what we can to make sure we are helping these people—the people of Peoria do not agree and do not believe what she has to say.

That is why, across the board, a majority of the Americans who need health care, who are concerned about the cost of care, look at this health care law and believe, in terms of a law this Congress has passed and this President has signed, that it is going to actually make the cost of their own care go up and the quality of their own care go down. That is why, overwhelmingly, the American people have rejected this health care law.

That is why I come to the floor again with my second opinion, and my opinion is it is time to repeal this law and replace it—replace it with solid ideas that will help people lower the cost of their care, improve the quality of their care, and increase their access to care. That would be patient-centered health care, health care that allows people to buy insurance across State lines, that gives people who buy their own policies the opportunity to get the same tax relief that big companies get, to provide individuals incentives to stay healthy and get the cost of their care down by lowering their risk factors for disease because half the money we spend in health care in this country goes to 5 percent of the people—those who eat too much, exercise too little, and smoke. We need to find solutions that deal with lawsuit abuse, to get down the cost of all the defensive medicine that is practiced in this country and allow small businesses to join together to provide less expensive insurance for the people who work for those businesses.

Those are the things we know will work, the things we know will be able to allow us to deliver higher quality care, that will allow us to lower the cost of care. That is why it is my opinion, as a physician who has practiced medicine since 1983, that we need to repeal this health care law and replace it with something that will work for the people of America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I came to speak on the Merkley-Levin amendment, which I think is so important. I will speak about that in a moment.

I am a little surprised to hear another health care debate comment. Last year, through much of the year, there was opposition—a lot of opposition—to the health care bill. Most of the opposition came about because of the kinds of things that were said on the Senate floor that simply weren't true: that this bill would mean the government would put a bureaucrat between your doctor and yourself as a patient, that it was a government takeover, that it was socialism.

In fact, the arguments they used last year against the health care bill were the same arguments they used against Medicare in 1965: socialism, government takeover, and bureaucrat between you and your doctor. Those things didn't pan out with Medicare. The same arguments were used, but they clearly weren't true in 1965, when conservatives, including the John Birch Society and others similar to that, did everything they could to defeat Medicare. They were not successful then and they weren't successful on the health care bill now.

When I hear that kind of discussion from colleagues on the other side of the aisle, when I hear the most conservative Members of this institution saying we should repeal the new health care bill, I guess the questions to ask are: Do they want to repeal the provision when my friend's 22-year-old daughter comes home from college or his son comes home from the military

and they can't find a job with insurance? Are they going to repeal the section that says they can stay on their parents' health insurance? It was a great idea that the young men and women coming home from the Army or from school can stay on their parents' health care insurance until they are 27. I guess they want to repeal that.

I guess they want to repeal the tax breaks that this health care bill gave to small businesses so they can insure their employees. I guess they want to repeal the support for those who fall into the doughnut hole for prescription drugs, those seniors continuing to pay their premiums and get that benefit from it. They want to repeal the benefit this bill is going to give them. They want to repeal the prohibition on preexisting conditions. During much of last year, I would come to the floor and read letters from constituents—Ohioans from Ravenna, Toledo, Hillsboro, to Wilmington.

These letters would be mostly from people who thought they had good health insurance until they got sick and needed it. This legislation will not let insurance companies knock people off the rolls because of a preexisting condition or knock them off the rolls because they got too sick and expensive, will not let them knock them off the rolls if they had a child born with a preexisting condition. All of those issues were resolved, and we are beginning to see all of these benefits from this health care bill. The American public knows that.

I wish my colleagues, rather than advocate for repeal of something that has moved this country forward, would work with us on issues such as the Merkley-Levin amendment. Let me for a moment discuss that amendment.

It is a good amendment. It will make this final bill stronger. It is worthy of an independent up-or-down vote. It is worthy of a majority vote. If we get 51 votes, we ought to be able to adopt an amendment in this body to add to this legislation.

Republicans have criticized this bill for weeks. They have blocked us from bringing it up for debate because they said it did not address the problem of too big to fail. But the first major amendment we considered which would have addressed the problem of too big to fail—that is, too big to fail is too big—would have meant those huge banks would have had to sell off a part of their assets.

Let me give a number. The total assets of the six largest banks in this country 15 years ago was 17 percent of gross domestic product. The total assests of those six largest banks today are 63 percent of the gross domestic product. Too big to fail is, in fact, too big.

Every Republican, with the exception of Senator ENSIGN from Nevada, Senator COBURN from Oklahoma, and Senator SHELBY from Alabama, every single Republican voted against that, again siding with the big banks, the six big banks, against the country, against manufacturers in Dayton, OH, against the small-town bank in Dover or New Philadelphia, OH, against the regional banks in Cleveland, Cincinnati, or Columbus, against the small business guy or woman who wants to get a loan. By voting for the big banks and giving them even more advantage, it was discriminating against the regional banks, the community banks. It was hurting the manufacturer in Shelby, OH, or Mansfield, OH, that needs a loan to build their business. That was the first chance.

I cannot think of another proposal that deals with the problem of too big to fail better than the Merkley-Levin amendment. There are all kinds of parliamentary shenanigans going on around this amendment trying to block it. Let me talk about the amendment for a moment.

If they are successful in beating this amendment, it is clearly a win for the Wall Street banks. For too long these banks used their own capital or borrowed billions of dollars to invest in risky financial products. We know they did that. We know the damage it caused to our system, to our economy, to our country. After telling their clients to buy these risky products, big banks turned around and bet against their own clients to cushion their profits. With one hand, they sold a client a risky financial product—a subprime mortgage or a large debt obligation. With the other hand they placed bets on those products underperforming. That is how proprietary trading works. That is what they want to continue.

It is like me selling you a house and then taking out a fire insurance policy on it and starting the fire. Whether it was greed or arrogance run amok, these megabanks blew our economy apart—we know what happened—leaving taxpayers to piece it back together.

Proprietary trading is not just a gamble. It is a drag on sectors of our economy that traditionally have been supported by the banks. Propriety trading displaces lending to businesses small and large. It increases Wall Street's bottom line while leaving the rest of the economy behind.

Over the past dozen years, proprietary trading—as this reckless gambling is called—has become an increasingly larger portion of the business conducted by our largest financial institutions.

At the end of 2009, the large banks reported to the FDIC that their trading revenues, as opposed to revenues from lending and other traditional banking activities, accounted for 77 percent of their net operating revenues. At the same time over the last year, FDIC-insured banks' securities holdings have increased by 23 percent. Instead of lending to businesses, they lend to themselves.

It is no coincidence that manufacturing faltered, that millions of jobs were lost, and our Nation's unemployment rate hovers at 9.9 percent and higher in a dozen States such as Ohio. There is no room in the financial sector to absorb good-paying jobs in other sectors; and when banks stop lending, other sectors dry up. That is not sustainable.

We know in this country that 30 years ago one-third of our GDP was in manufacturing. Financial services accounted for only 10 or 11 percent of our gross domestic product. That really tells the story. As manufacturing declined as a percentage of GDP and financial services went up so much, that is clearly why we are where we are today. Financial services has accounted for 44 percent of corporate profits in recent years, again, instead of manufacturing, instead of contributing wealth to our country.

The support of the Merkley-Levin amendment makes sense. It is not a time to play games with the financial well-being of hard-working, middle-class Americans.

I urge my colleagues to support the amendment.

I yield the floor.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 3:15 p.m.

Thereupon, the Senate, at 2:06 p.m., recessed until 3:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. MERKLEY).

RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010—Continued

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, we have been trying now for many hours to get a consent agreement to let us move forward on some of these amendments, important amendments—some not so important but amendments. I do not know if we will ever arrive at that now, so I think it would be in the best interests of the body, both Democrats and Republicans, to go ahead and have the cloture vote.

There is a commitment made by the chair of the Banking Committee—and, of course, the Agriculture Committee, but most of the concern right now is with the matters dealing with the Banking Committee jurisdiction—that both the chairman and ranking member will continue. We know what the consent agreement is. We will try to work through all that. I think that is the best way to do it. We have the word

of the two managers that is what they will do.

I think that when we get this cloture out of the way, the Republican leader already told me yesterday he wanted to use some time postcloture. We might have some people who will want to talk a little postcloture, and we will continue working.

We have really worked hard together. I think there has been a show of bipartisanship in this bill. We disagree on a number of very important issues, but that doesn't mean we cannot work together, and we have shown that is possible.

I ask that we move to the cloture vote.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Dodd substitute amendment No. 3739 to S. 3217, the Restoring American Financial Stability Act of 2010.

Harry Reid, Christopher J. Dodd, Tim Johnson, Jack Reed, Jon Tester, Charles E. Schumer, Patty Murray, Daniel K. Inouye, Kent Conrad, John F. Kerry, Roland W. Burris, Mark R. Warner, Daniel K. Akaka, Sheldon Whitehouse, John D. Rockefeller IV, Michael F. Bennet.

Mr. FEINGOLD. Madam President, 3 weeks ago I supported invoking cloture on the motion to proceed to this bill. Proceeding to this measure was essential to being able to debate, amend, and strengthen it. But as I noted at that time, after 30 years of acquiescing to the wishes of Wall Street lobbyists, it is essential that Congress get it right this time, and finally enact tough reforms to prevent Wall Street from driving our economy into the ditch again. In particular, that means eliminating the risk posed to our economy by the massive financial firms that are considered ''too big to fail.''

Over the last few weeks, this body has repeatedly rejected amendments that address ''too big to fail.'' And perhaps the most important amendment in this respect—one offered by the Senator from Washington, Ms. CANTWELL, to reinstate the protective firewalls of the Glass-Steagall Act—may not be considered if we invoke cloture on the underlying measure.

Three weeks ago, I said that for me the test for this legislation is a simple one—whether or not it will prevent another financial crisis. And central to that test is how this bill will address ''too big to fail.'' Right now, this bill fails that test, and for that reason I will not support ending debate on the measure.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the Dodd substitute amendment No. 3739 to S. 3217, the Restoring American Financial Stability Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. SPECTER) is necessarily absent.

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—57

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

NAYS—42

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brown (MA)	Feingold	Murkowski
Brownback	Graham	Reid
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Cantwell	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Voinovich
Cornyn	Kyl	Wicker

NOT VOTING—1

Specter

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. REID. Madam President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion to reconsider is entered.

Mr. REID. I ask unanimous consent that the cloture vote on the bill be withdrawn.

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

Mr. REID. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3883

Mr. DODD. Mr. President, I ask unanimous consent to call up the Snowe amendment No. 3883. It is already pending.

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

Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3883) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

WALSH NOMINATION

Mr. DORGAN. Mr. President, I will have a unanimous-consent request that has been cleared on both sides. This is a unanimous-consent request about a nomination that has been on the calendar since September 27, which was reported out of the Armed Services Committee by Senators LEVIN and MCCAIN—reported out unanimously—for the promotion of BG Michael J. Walsh.

On October 27, it was determined that the Armed Services Committee agreed with the President for the recommended promotion for the second star for this soldier. It has regrettably been held up; there has been a hold on it since late last year. I have been to the floor several times asking unanimous consent that this nomination for General Walsh be approved.

Our colleague, Senator VITTER, from Louisiana, has been upset with the Corps of Engineers for other reasons and has held this nomination for a period of time now. It has been about 7 months. I have indicated on the floor how unfair I think it is to hold the nomination of a promotion of a soldier who has served this country for 30 years. He has gone to war for this country. I know this soldier. He has done an extraordinary job. On a unanimous vote, the Armed Services Committee decided he should be promoted. But month after month, it has sat on this calendar because of the objection of one Senator.

My understanding is now the Senator has released the hold as of today. I indicated yesterday I would be on the floor today to ask unanimous consent once again. This morning, it is my understanding that the Senator from Louisiana released his hold.

Following yielding to Senator LEVIN, the chairman of the committee that moved this nomination out—and, by the way, who has also been on the floor and asked unanimous consent to move this nomination—if appropriate, I

would allow him to say a few words, and then I will ask unanimous consent to move the nomination. I ask unanimous consent that Senator LEVIN be recognized, following which I will move the nomination by consent.

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

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the Senator from North Dakota. He has been dogged in his determination to get this nomination before the Senate. It is unconscionable that a military officer in the uniform of the United States, who has put his life on the line for this country, month after month after month, has had his promotion held up by one Senator. It is only one Senator. All the Senators of the Armed Services Committee on both sides wanted to confirm this general. But the rules of the Senate permit one Senator to threaten a filibuster or a so-called hold. In this case, it was an open hold, not a secret hold. He was able to thwart the Senate because we cannot take 2 or 3 or 4 days to take up every nomination of every soldier or civilian because we would get even less done than we do now.

Those are the rules of the Senate. They should not be used this way. We expressed that to Senator VITTER. That hold has been lifted. So a well-qualified soldier is going to be promoted 6 months late by the Senate. We can thank him for his service, but the best way we could have thanked him would have been to have promptly promoted him. Short of that, he knows he has, on a bipartisan basis, the support of the Senate. It is very important to us as an institution that he knows that. He also knows full well the power of one Senator. He should also understand that when it comes to the defense of this country, Republicans and Democrats are going to stand together.

I, again, thank the Senator from North Dakota for his determination. He is kind of the 27th member of the Armed Services Committee, if my memory is correct. I thank the Senator.

Mr. DORGAN. Mr. President, again, Michael Walsh is a good soldier, who served 30 years and has gone to war for this country. The demand that existed and resulted in holding this nomination is a demand that could not be met. He could not possibly do what he was asked to do. He does a good job.

EXECUTIVE SESSION

NOMINATION OF BRIGADIER GENERAL MICHAEL J. WALSH TO BE MAJOR GENERAL

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 526, the nomination of BG Michael J. Walsh; that the nomination be confirmed; that the motion to reconsider be laid upon the table; that any statements related to the nomination be printed 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. Is there objection? Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Michael J. Walsh

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. DORGAN. Mr. President, I thank my colleagues, Senator LEVIN and Senator MCCAIN, and the rest of the Armed Services Committee. I think all of us would say to General Walsh: Congratulations to you. We are sorry it took the time it took. It was unfair. Nonetheless, as of today, you should understand this Senate very much values and respects your duty and dedication to this great country.

RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010—Continued

Mr. DORGAN. My understanding is that we would now yield 6 minutes to the Senator from Illinois, after which I have been asked to call for a quorum call.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I am proud to join my colleagues on the floor of this Chamber today.

Here, in our Nation's Capital, we gather to confront shared challenges. We celebrate our great leaders, and mourn fallen heroes. Here, we carry out the hard work of self-government. We try to make this union a little more perfect every day. It is messy. It is difficult. We make mistakes, and at times we fall short.

In any other country, these flaws and missteps might be fatal—but not in the United States of America. Here, we are defined by our ability to correct injustice to confront problems and move ahead peacefully, with respect for the rule of law even when those problems are great.

Mr. President, much of our history has been written right here in this city. But in some ways, the city itself tells two divergent stories:

More than two centuries ago, the foundation of this country was laid by a group of American patriots, who chose this land for their new Capitol.

They fought—and many died—for principles of freedom and equality. They framed the greatest, most progressive system of government in the history of the world.

And then, in an irony both tragic and unjust, the foundation of this very building the heart of our democracy was laid by enslaved African Americans.

So, from the very beginning, our Nation has struggled to live up to its highest ideals.

But, in many ways, I believe that is where our greatness truly lies: in our ability to determine our own course, and correct the mistakes of the past.

That is why the American civil rights movement is perhaps one of the greatest periods in our history.

During the 1950s and the 1960s, citizens and activists joined together with lawmakers to overturn policies of hatred and discrimination that created a powerful nonviolent movement for civil rights under the rule of law which brought about one of the most significant social and cultural changes in our Nation's history.

Earlier today, I spoke before the Subcommittee on National Parks, chaired by my friend, the distinguished Senator from Colorado, Mr. UDALL, to advocate for a piece of legislation that is very important to me. I am proud to sponsor the United States Civil Rights Trail Special Resource Study Act, S. 1802, a bill that will help identify and preserve the history of the people and places that defined the civil rights movement. This bill joins a bipartisan companion measure from the House of Representatives, H.R. 685, which passed unanimously last September.

It will honor folks who forever changed the landscape of this Nation. Their stories deserve to be told. In any other country, this kind of progress would have been impossible, but not in America. We have the capacity for sweeping change woven into our very identity, and that is what my bill would recognize, celebrate, and preserve.

This Capitol Building was constructed under slavery. Yet it embodies a system of government that allows subsequent generations to correct this terrible wrong. During the civil rights movement, thanks to ordinary people with extraordinary vision, we witnessed a revolution of values and ideas that changed this Nation forever.

I come to this floor today in celebration of the pioneers who made these changes possible. My bill would direct the Secretary of the Interior to identify the places, the resources, and the themes associated with this movement and consider adding them to the National Trails System. This would include the sites of the famous march in Selma and Montgomery, AL, the Greensboro sit-in, and the Montgomery bus boycotts. We would commemorate these places where peaceful protesters demonstrated for equal rights, and even in some places where violence broke out and lives were lost in the cause of freedom.

My bill would also recognize folks such as the citizens and elected leaders

of Savannah, GA, who were ahead of the rest of the country and took peaceful action to desegregate local communities well before Federal laws were passed.

We need to make sure the next generation learns and does not forget the story of the civil rights movement and the ideals it strove to achieve. That is why this legislation is so important.

This bill, with the companion bill in the House, would highlight this powerful legacy. Yes, these injustices were great and they must never be forgotten, but it would be a mistake to dwell exclusively on the errors of our past. Instead, I believe we should celebrate the progress we have made. We accomplished what many other countries find impossible. We corrected the greatest mistakes of our history. We encountered obstacles and overcame them. We took control of our shared destiny and redefined it.

Our Union remains far from perfect, but challenges persist, and it will be up to future generations to address these challenges. But there is no denying we have come a very long way.

Two centuries ago, my ancestors would not have been allowed in this building except as laborers. Today I stand on the floor of the Senate as a Member of the highest ranking body in this land. That is a powerful affirmation of what this country stands for.

Let's preserve this history and pass it on to the next generation.

I thank Chairman UDALL, Ranking Member BURR, and other members of the Subcommittee on National Parks for allowing me to offer a statement earlier today.

I ask my colleagues to join me in supporting this bill before the full committee and the full Senate so we can send it to the President's desk.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I wish to spend a few minutes talking about our previous vote this evening.

I know many of my colleagues worked hard on regulatory reform legislation, but I also think it is important that we keep our eye on a very critical part of solving this problem. I know many of my colleagues, particularly on the Banking Committee, have had a long history with banking issues and may see things a little differently from the context of the issues they have been dealing with in the committee.

It has been clear to me for a long time that the deregulation of the derivatives market in 2000 led to a very unfortunate situation. Before deregulation, we actually had transparent trades in reporting to the CFTC. We had capital requirements. We had speculation limits. We had antifraud and antimanipulation. We had trader licensing and registration. And we had public exchange trading.

The reason I bring that up is because to me, if the derivative crisis brought on basically a world economic implosion, then the principles of this underlying bill ought to adhere to the principles that have been laid out by the White House and others on what would help us fix this problem.

We know it was deregulated, and we know these things were eliminated. But I take the Treasury Secretary at his word when he wrote earlier this year:

> To contain systemic risks, the CEA and the securities laws should be amended to require clearing of all standardized derivatives through regulated central counterparties.

The reason I bring that up is because the underlying bill before us—even though the Agriculture Committee corrected this—the language coming from the Banking Committee created a loophole and basically says that if you go to a clearinghouse and they say you do not need to be cleared, don't worry about it, you don't need to be cleared.

It should be no surprise to anybody that the swaps dealers are the people who own the clearinghouses. In that context, a fundamental tenet of derivative regulatory reform, exchange trading, clearing, aggregate position limits, and transparency, one of those pillars is missing from this bill.

Look at what happened because of this deregulation in 1999. There was less than $100 billion in the derivatives market, and today we are at a $600 trillion derivatives market—$600 trillion. Before deregulation it was a very small amount of money, and now we have this incredible market.

The question is whether we are going to regulate it to have the basic tenets of true competition, which means there is some oversight and some transparency to make sure that there are not manipulative devices or contrivances in this legislation.

The good news is we have tried to say that of these principal tenets of exchange trading, we have to have transparency, real-time monitoring—all these things should be in there. But you also have to have capital behind the trades. That means we have to have a clearinghouse to make sure this type of activity is being cleared.

There were many times before the Senate Finance Committee where the Treasury Secretary said:

> I'm fully supportive of moving the standard part of those markets onto central clearinghouses and exchanges . . . We want to make sure that the standardized part of those markets moves into central clearinghouses and onto exchanges as quickly as possible . . .

That was in January.

We had another time where the administration said:

> . . . we need to establish a comprehensive framework of oversight, protections and disclosure for the OTC derivatives market, moving the standardized parts of those markets to central clearinghouses, and encouraging further use of exchange-traded instruments.

That was in March.

I don't know why we are still having this debate as to whether we are going to have clearing of these derivatives. To me it is critical.

I know there are other good parts of this legislation about which people care deeply. But if we have this $600 trillion market and we are not truly going to have exchange trading and clearing and aggregate position limits across all exchanges, we are not going to rein in the derivatives problem. We are not.

I hope my colleagues will take these words from the Treasury Secretary and from the White House and hopefully get a piece of legislation on this floor that will take care of this clearinghouse loophole.

I know my colleagues think we can talk about building a dam against this wall of dark derivatives. But even something such as Hoover Dam, with all the great concrete and all the great engineering and all the great things that make that structure work, still has a problem if somebody drills a hole in the bottom of it. Over time, that is where all the water will flow, and that is where this derivative market is, too. If we do not have a regime of exchange trading and clearing, we will have money seeping into a continuation of a dark market.

Would I like other amendments, would I like a vote on an amendment by my colleague from Arizona and me that is the reinstatement of Glass-Steagall? Sure, I would. Sure, I would like to have many other amendments that my colleagues have been talking about, and hopefully they will get votes on them, whether it is Merkley-Levin or other pieces of legislation people have been offering. But this issue is a fundamental one. We will not have reform if we do not have exchange trading and clearing, if we do not bring derivatives onto the same kind of mechanisms we have for other products in the financial markets. If we do not do that, then I don't know what we are doing out here in the context of what brought us to this crisis.

Trading of dark market derivatives is what has brought this challenge to our U.S. economy. Let's bring some transparency into that market. Let's adhere to these words and actually implement this so we can move on with this legislation.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, what is the order of business before the Senate?

The PRESIDING OFFICER. The Merkley amendment is pending.

Mr. DURBIN. Mr. President, I stand in support of the Merkley amendment.

This is an effort by JEFF MERKLEY of Oregon and CARL LEVIN of Michigan to try to strengthen the bill that is before us on Wall Street reform; to try to minimize the types of investments made by banks which could, in fact, jeopardize those government institutions that guarantee the deposits at banks because some bankers make bad decisions and bad investments. What Senator MERKLEY is trying to do is to reduce that likelihood, which means banks are less likely to fail and taxpayers are less likely to be holding the bag.

Senator LEVIN of Michigan, you will remember, 3 or 4 weeks ago held a historic hearing with Goldman Sachs representatives, including Mr. Lloyd Blankfein, their CEO, to discuss some of their practices. Those of us who know Senator LEVIN know he is a very studious and thoughtful individual and he doesn't take on complex issues lightly. He spent months in preparation for that hearing, and coincidentally it came up just as we began the debate here on Wall Street reform. It was quite a hearing. It went on for many hours because there was an effort by the witnesses to avoid answering questions, so the committee decided they would keep the witnesses there until the questions were answered. As a result, they stayed into the night. At the end of the day, I think people had a better understanding of some of the practices at Goldman Sachs, one of the largest financial institutions on Wall Street. I think they also may have had some second thoughts about some of the standards being used by that firm and others.

We know Goldman Sachs is currently being investigated by the government for alleged wrongdoing when it comes to the sale of investment products. It turns out, as best I understand it, that this Wall Street firm of Goldman Sachs was selling investments to individuals and then basically betting they would fail—with their own money. It strikes me as a complete abdication of any financial or fiduciary responsibility, to put their customers in that kind of compromised position. It is interesting that I have had a conversation with people in other firms on Wall Street who think this is routine and not extraordinary. That makes it all the more troubling.

The Levin portion of the Merkley-Levin amendment addresses this issue about the ethical considerations of these companies that, in fact, are selling products to their customers and then turning around and secretly, quietly betting with their own investments that those products will fail.

So that sort of thing should be addressed in this bill. The Merkley-Levin amendment is an amendment which would have been considered regardless of whether today's cloture motion had passed.

For those who do not follow the Senate, the cloture motion is an attempt to at least bring a close to the beginning of a debate and start to wind down the debate toward a vote. So we had a vote today. We needed 60 votes in the Senate out of 100 Members to vote in favor of the cloture vote.

After 4 weeks on the floor of the Senate on this Wall Street reform bill, the majority leader and many of us felt we had reached a point where we needed to start winding this bill down and bring it to a final vote. Well, we needed 60 votes to do it. There are 59 Democratic Senators here when all are present and accounted for. One of our Senators, Mr. SPECTER of Pennsylvania, was not here today, and as a consequence we found ourselves needing help from the other side of the aisle.

We needed at least one—it turns out three—Republican vote in order to move forward and to bring this bill to a vote. At the end of the day, we did not have them. We fell one vote short. We had two Republican Senators who crossed the aisle and voted with us—that would be the two Senators from Maine, SUSAN COLLINS and OLYMPIA SNOWE—and no other Republicans who would join us in trying to bring this bill to a close with some closing amendments and a vote.

If you followed the debate on this bill, it is no surprise that the Republicans are reluctant to be part of Wall Street reform. When the debate started, it started with three—not one but three—straight filibuster votes. Those were efforts by the Republicans to stop us from even bringing this issue and subject to the floor of the Senate. Many of us felt this discussion and debate over this bill was long overdue. We know this recession has cost us dearly in the United States. We know it extracted $17 trillion out of the American economy.

We felt it personally. You felt it in your savings account, your IRA, your retirement account. You saw it when the business down the street started to lay off its employees and another one closed. You noticed the home across the street going into foreclosure.

You heard all the stories about unemployed people, maybe some in your own family. So we knew what this recession meant and what it cost us, $17 trillion. What we are trying to do with this Wall Street reform bill is to change the way they do business on Wall Street so we never face another recession such as the one we are in, brought on by the greed and stupidity of the so-called banking experts on Wall Street.

We know what happened. Wall Street got away with murder for years, and taxpayers ended up holding the bag. Hundreds of billions of dollars out of the Treasury, out of the wallets of families across America in terms of tax payments, that ultimately found their way to Wall Street to rescue the failing businesses there.

Why were they failing? Well, try reading ''The Big Short'' by Michael Lewis, one of the most popular books now in America. Mr. LEWIS was in my office today. He has written a number of books, and he is pretty good at it. He talked about his experience sitting down with people who were insiders on Wall Street who were describing what went on literally for years.

What you think is that when you get to the top, you will find the smartest people. I guess that is possible and likely. But in this case, when you got to the top, you found some of the dumbest people who were involved in constructing investment ideas that were fundamentally flawed, taking failing mortgages across the United States and packaging them together and then trying to sell them locally and globally and watching the bottom eventually fall out.

Lewis wrote this in this his book, ''The Big Short.'' Many of us have read it. He and I had a chance to talk about it today. But it was that kind of conduct that led to this recession that cost us all these jobs, that wrecked the savings accounts of American families, that has set us back on our heels, and we are finally coming out of it slowly. But it has cost us dearly as a nation.

We are trying to change the way Wall Street does business so we never have to face a recession such as this again. The Republicans in the Senate, with only a few exceptions, have resisted our efforts to pass this bill.

First, with three straight filibusters to stop us from bringing the Wall Street reform bill to the floor, three efforts to stop us from even debating the bill, then 4 weeks of debate on the floor of the Senate, and I will tell you, that is rare. I have been around here for a few years. It is very rare that you would spend 4 weeks on one bill. Well, this is our fourth week on this bill.

During that time, Senator DODD, the chairman of the Senate Banking Committee, has been working with Senator SHELBY, the ranking Republican from Alabama, who is on the floor, and they have been going back and forth with amendments.

I think Senator DODD said today almost 60 amendments have been considered, pretty close. A lot of different ideas have come to the floor back and forth. Some Democratic amendments have been considered and failed, some passed. Some Republican amendments were considered and failed. There were bipartisan rollcalls. It has been a real Senate debate.

It feels good. It does not happen enough around here. This so-called deliberative body spends a lot of time, such as at this moment, where nothing is going on, on the floor except some profound speeches by the Members. What we have tried to do, during the course of this debate, is give everybody a chance to bring out their point of view. Points of view are much different. That is OK. That is why we are here. We are supposed to debate these things and vote on them.

I had an amendment last week, one that I have been working on for literally 3 years or more, that deals with

the credit card companies' charges to merchants and retailers. When a customer uses a credit card, they not only get credit to buy a meal, for example, that restaurant has to pay a percentage of the bill, the cost of the meal, back to the credit card company. This interchange fee has become unfair to small businesses.

Well, after working at it for more than a week, we finally had the amendment called 6 days ago, and it was enacted, passed by the Senate, with a vote of 64 to 33, 17 Republicans joined me. So it was a good bipartisan amendment. It was a surprise to many because the credit card companies and the banks that support them are very powerful. In this case, they came up short. The retailers, the merchants, the convenience stores, the gas stations, the restaurants, grocery stores all across America finally prevailed in this long battle against the credit card companies.

But that was the best of the Senate, I thought, and of course I am partial because my amendment passed. But it was the best of the Senate because it was a real debate and a real vote and an outcome which was bipartisan.

We felt this was a good time, in the course of the debate, to start winding it down and come down to a handful of amendments, vote on them, and then vote for final passage so we can conference this bill, work it out with the House, send to it the President to be signed into law. But we could not get the votes.

The Republicans, but for two Senators, refused to give us the votes to end this part of the debate and bring this bill to a final vote. It is frustrating. I do not know that they can argue that we have been unfair. We have given pretty wide berth to the Republican side to offer the amendments they wanted to offer. They have offered quite a few, and we have, too, on our side of the aisle.

So I do not think you can argue that we should not stop debate over fairness in the course of the debate. They might be arguing they do not want a bill at all. That is possible. First, they filibustered to stop us from bringing the bill to the floor. Now they are basically filibustering to stop us from ending the debate on the bill and bring it to a final vote.

I only know of several groups across the country that want to stop the debate on this bill: Wall Street, the biggest credit card companies, and the biggest banks. They want to stop this bill. They want to kill it. They have spent a fortune on lobbyists, roaming around our offices on Capitol Hill, to try to convince Members to stop this Wall Street reform bill.

Well, they at least were successful today. They convinced all but two Republican Senators to come to their side of the issue and to stop this debate on Wall Street reform. That is unfortunate because I think the American people expect us to get something done. They expect us to hold Wall Street accountable, to make sure the reckless gambling by Wall Street institutions that led to the loss of more than 8 million American jobs comes to an end.

They want to end taxpayer bailouts once and for all. They do not ever want to hear the word ''TARP'' again, unless it is something you can put over the top of your station wagon. They certainly do not want us in a situation where we are coming up with hundreds of billions of dollars to bail out these banks. Thanks to an amendment by Senator BARBARA BOXER of California, one of the first, we made it clear that we are prohibiting any future bank bailouts under this bill. Senator BOXER was a real leader on that issue.

I think most Americans believe we need to have an agency that is going to be here in Washington which will administer the strongest consumer financial protection law in the history of the United States, a law that will empower consumers when they go through a real estate closing or sign a credit card agreement or sit down next to their son or daughter to sign the student loan forms or take out a loan for a car, knowing they are not going to be cheated and treated poorly.

This agency is there to empower consumers so they are not, in fact, swindled out of their life savings and are not brought into legal deals which are totally unfair. We want to bring sunlight and transparency to shadowy markets. Some of the things we voted on will move us in that direction, to start eliminating some of the trading that has gone on that is an outrage.

I do not think business as usual is the right way to go. But the Republican votes today, all but two Republican Senators voted to continue business as usual on Wall Street. They do not want this bill to pass. So they voted that way today. At the end of the day, 39 out of 41 Republican Senators voted for the status quo, keep things as they are on Wall Street.

In addition, of course, we understand that Wall Street is powerful. When my amendment came up on interchange fees, the banks warned Senators: If you vote for the Durbin amendment, we are not going to support you; that is, contribute, in the next election campaign. That was on the front page of the New York Times last Saturday. It is the most bald-faced admission I have ever seen by special interest groups that they are putting the pressure on Members who vote for Wall Street reform.

So I say to my colleagues: They may have won today and kept the banks happy. But, ultimately, it is more than the bankers who will be voting in November. It is people all across America who are angry at what happened on Wall Street and do not want it to happen again. They are going to remember the Senators who voted with Wall Street and those who voted for reform, and today we have a rollcall that indicates it.

We have to make sure we make the changes that make the difference across America. Some of the things that have happened here are pretty graphic. Paul Krugman, a writer from the New York Times, wrote a few weeks ago:

> The main moral you should draw from the charges against Goldman, though, doesn't involve the fine print of reform; it involves the urgent need to change Wall Street. Listening to financial industry lobbyists and the Republican politicians who have been huddling with them, you'd think that everything will be fine as long as the federal government promises not to do any more bailouts. But that's totally wrong—and not just because no such promise would be credible.
>
> For the fact is that much of the financial industry has become a racket—a game in which a handful of people are lavishly paid to mislead and exploit consumers and investors. And if we don't lower the boom on those practices, the racket will just go on.

That is why this vote today was so critically important. Those who want to stick with the status quo, who want to reward the special interests, who want to load up this bill with lobbyists' loopholes, prevailed today on this vote today by one vote on the floor of the Senate. There will be another vote tomorrow and maybe the day after too. The question is, Will any other Republicans, aside from the two Senators from Maine, break ranks and join the Democrats for Wall Street reform?

This is a once-in-a-political-lifetime opportunity. If they want to stand with the special interests and Wall Street to stop this reform, they will certainly have to answer for it when the time comes and they face the voters.

This attempt we are making to change the rules on Wall Street is an attempt to empower the people of this country to help them make the right decisions personally and to make certain that they do not end up losing their savings and their homes and their jobs because of the greed and selfishness of those on Wall Street.

I can remember many years ago on the floor of the Senate, when I was a brand new Senator, way in the back row there, and offered an amendment to a bankruptcy bill. The amendment said: If you are a predatory lender; that is, if you violated the laws of America in the loans that you are making, such as mortgages, you cannot then turn around in bankruptcy court and recover from the debtor who has been the victim of your predatory lending practices.

I was arguing on the floor with Senator Phil Gramm of Texas, who was here arguing against my amendment. He was high ranking on the Senate Banking Committee. He said: If the Durbin amendment passes, it is going to kill the subprime mortgage market in America. Well, I lost by one vote. If my amendment had prevailed, who knows, history might have been a little different. That is why one vote makes a difference.

Today, we needed one more Republican Senator to vote for Wall Street reform. We had two. We needed one more. I understand two of our Democratic Senators withheld their votes

because they want this bill to be stronger. I hope they will come around. I hope they will vote with us. But at the end of the day, we only had two Republican Senators who stepped up and said they favored Wall Street reform.

Well, I lost my amendment by one vote that might have changed a little bit of financial history if it had passed. Today, we lost by one vote when it came to Wall Street reform.

We are not going to quit. President Obama is committed to it. Democrats in the Senate are committed to it. Democrats in the House already passed their bill. We need to get this done. It is time to stop the obstructionism. It is time to stop the stonewalling. It is time to bring this to a close with a handful of amendments on both sides of the aisle. Let's have an up-or-down vote, and let's get on with it. Let's pass this bill.

On final passage, a number of Republicans who have been holding back and would not support this bill may have second thoughts. They may decide they don't want to be found on the wrong side of history again; that it isn't worth standing up with the special interest groups or Wall Street lobbyists when America is crying for basic reform and accountability.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I appreciate the distinguished majority whip. I voted with him last week on the interchange fees on debit cards. I thought it was a good amendment. But I have to take issue. Don't generically accuse those of us in this body of stonewalling a bill or more or less being interested in looking out for Wall Street or anybody else.

A little history lesson is due. First, what brought us into this recession was the subprime market, which the distinguished Senator mentioned, and the housing market. It happened because Members of this body and the body down the way, 13 years ago, began to direct Fannie Mae and Freddie Mac to include in their portfolios a portion of affordable housing loans which were the words for what became subprime loans.

Freddie Mac and Fannie Mae created the market that allowed Wall Street to go find capital and collect that capital, put a high premium on the capital, high interest rate, maybe 200 basis points over the going rate, but then make it a higher credit risk to lenders because that is the way credit works. What happened is, those loans became popular, and because of a government-sponsored entity that began the consumption of those loans, they proliferated. Those securities were sold around the world. When they collapsed, and we went all through that, it was a terrible collapse. But the root of this problem is that Freddie Mac and Fannie Mae were under the direction of the Congress as to what they should do in terms of the securities they owned. I am saying the Congress of the United States, not pointing fingers at any particular party.

With that being true—and I don't think anybody can dispute it—we have a financial reform bill before us that exempts Freddie Mac and Fannie Mae from reform. That doesn't make any sense. If you listen to the arguments to why they weren't there, it is because it was too hard.

These are hard times. Americans are having hard times. It is time we did the hard things. It is time we not try and politically label Members as friends of Wall Street or friends of Main Street. We are all Americans. It is our economy. It is not just part of the economy. I take issue with the labeling that takes place sometimes. Let's talk about the facts that are there, one way or another. Let's let the facts determine what we do.

I didn't vote for cloture because I don't think it is right to leave Freddie Mac and Fannie Mae outside the equation and incorporate every other business on Main Street and on Wall Street to the extent we have. It is right for us to take some of the blame in the Congress. A lot of this wouldn't have happened had we not directed the government-sponsored entities with which we had influence, and the implied full faith and credit of the taxpayers would be the consumers that would create the liquidity for subprime loans.

My only statement to the majority whip is this: I understand facts. The facts are that Freddie Mac and Fannie Mae started this. They are exempt from this piece of legislation. I, for one, take issue with that. We cannot reform and address the concerns that happened if we don't address the root of the problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, at the risk of a real debate, I invite the Senator from Georgia to stay, if he would, for a moment so we can engage.

Mr. ISAKSON. I am happy to.

Mr. DURBIN. I have the highest respect for the Senator from Georgia personally, and I thank him for his support on my interchange amendment. We have worked on many other issues, and we will in the future. I will concede what he pointed to as a fundamental flaw, a mistake that was made. There was a presumption made that owning a home was such a valuable American ideal—and I know your background; you certainly agree with that—but we went too far. We extended the opportunity for home ownership to people who were not ready. We believed if we pushed them to the limit of how much they could pay, the home would appreciate in value, their incomes would go up, and everything would work out. It turned out that gamble was wrong for some people. Certainly, Fannie Mae and Freddie Mac, as the ultimate guarantors of mortgages, were part of that. There is a government element here. I don't question that for a moment. Certainly some blame lies there.

Blame lies with those people who overextended, bought more than they could afford. They may have been misled into it, but the fact is, they did it. They made mistakes.

Having said that, though, there were a lot of people involved in financial institutions which led them into this, misled them into this. No-doc closings, where people didn't have to present a document proving the amount of income they had, basically telling people: We will give you a mortgage where it is; you will be paying just interest for a few years, and everything will be just fine.

These mortgages where the interest rates would explode in the outyears, and people would not be able to pay, there was a lot of things that went wrong there. But I hope the Senator from Georgia will agree that behind this bill is the notion that some things happened on Wall Street which were outrageous. The fact that we ended up coming up with somewhere in the range of $700 or $800 billion to save most Wall Street institutions is an indication that things were out of hand on Wall Street, that we never want to return to that again.

I will concede to the Senator from Georgia his premise. Do we need to reform Fannie Mae and Freddie Mac? Yes, we do. If we don't, we will pay dearly for it. I don't know if we can accomplish it in this bill, accomplish it at this moment, but it literally has to be done. I have never quarreled with that premise in the debate, nor do I question his starting point that this was part of the problem that led to where we are today.

It is always the best is the enemy of the good around here. We have a good Wall Street reform bill that moves in the right direction to avoid some of the abuses there. To argue that it doesn't include Fannie Mae and Freddie Mac and therefore we can't support it, perhaps we just have a different point of view. I think this is a valuable thing to do to move forward. I will concede his point. He is right in what he said.

Mr. ISAKSON. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. ISAKSON. I appreciate his comment. That was my point. When I was listening to the Senator's speech, I got a little irritated. Then I realized I have probably done the same thing before too. I leaped over some facts that belong in the debate. The fact that the Congress directed Freddie and Fannie to own a percentage of their portfolio in subprime loans was the source of the capital that bought the first securities that created the subprime securities. I do not argue that there are not good things in this bill.

In fact, when the Senator was referring to the liar loans, it was the Isakson-Landrieu amendment that we

successfully added to this bill that defined that a qualified loan is to be exempt from risk potential because it requires income verification, requires an employer statement that the employee is hired, and it requires an income ratio that is sufficient to retire debt that is borrowed. I agree with the Senator.

My point was that when all of us make these remarks of what bills are and they are not, we ought to include all of the facts that are in there, not just a select few. I appreciate the Senator's comments. I was proud to be a part of his amendment.

Mr. DURBIN. I thank my colleague from Georgia. It depends on one's perspective. The amendment he just described that he added to the bill is a valuable part of this bill. It wasn't there originally. It is now. I am glad it is. I am happy to support it. That is what we are trying to do today, to move its passage so it becomes the law of the land. But because we fell short by only two Republican votes coming forward today, we can't move forward.

If the position of the Senator is we should not pass his amendment or this underlying bill until we reform Fannie Mae and Freddie Mac, I am with him in terms of the reformation. I don't believe it is reasonable to require this bill to do everything that needs to be done. That is my only difference with the Senator from Georgia.

Mr. ISAKSON. The Senator and I might differ on points, but I defer to the Senator. I wish I had the control to control votes, but I don't. There were two on his side and two on ours. There are people with higher pay grades who were responsible for that. I wanted to make the point about what is, to me, a serious issue with regard to the bill and something that should be considered in the debate.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I don't mean to jump into these things, but I wanted to make a couple comments. First, no one knows real estate like JOHNNY ISAKSON. I have had the privilege of working with the Senator from Georgia over the last year or so on a couple of proposals, one of which I think made a big difference. That was the $8,000 tax credit for home buyers to go out and encourage home purchases and sales. It has proven to be pretty worthwhile. I haven't seen the latest data. My friend is far more familiar than I. But, clearly, for most Americans, home ownership is the single largest and most important acquisition they ever have. It is the greatest wealth creator for most Americans.

As the Senator from Illinois points out, that additional trajectory is where we increased this, and people used that equity to help with retirement and student loans, a variety of things they need as a family.

As my friend from New Hampshire pointed out the other day, there is a history here. I acknowledge that we in Congress have failed in this responsibility, actually going back to around 2003. The Senator from Alabama can correct me. There were various attempts. A good friend of ours, the former chairman of the House Financial Services Committee, Mike Oxley, a Republican, offered one as chairman. They actually got one done.

It was a bipartisan bill in the House on Fannie and Freddie in 2005. It then came to the Senate, and things got bogged down over here. There were attempts, including the former chairman from Alabama, who offered a proposal. Senator Sarbanes did. It went back and forth. We didn't get the job done.

It is important to remember during times such as this, when we are not hesitant to point an accusing finger at other institutions for having helped create this problem, we in Congress collectively did not get the job done with Fannie and Freddie. I join with my colleague from Illinois, it is important we acknowledge that if we are going to be accusing other institutions for malfeasance or misfeasance. In this case, we should have done a better job.

Here is the problem. As the Senator from New Hampshire pointed out—I am quoting him—this issue was ''too complex'' for this bill. The reason is, we don't know what to replace it with at this point. There are a number of ideas floating around because all of us recognize we need to have a housing financing system in place. In the absence of having any in place, around 97 percent of all home mortgages are backed by the Federal Government today. If we pull that rug out at this particular juncture, I don't know what the implications would be. I think they would be pretty profound.

We are caught in this quandary, acknowledging the need to reform and replace Fannie and Freddie, the present structure, but doing so without replacing it with something could pose serious problems in the very area the Senator from Georgia is so knowledgeable in; that is, how do we continue to promote home ownership.

What we did—and I would be the first to admit it, being the author of the provision—is fairly anemic in light of what we need to be doing. We have said we are mandating that there be a study completed with options presented within 6 months. The President of the United States I have heard say on one occasion, maybe more, this is a top priority come next January for him and this Congress to grapple with.

Again, there is nothing there that absolutely requires it, but it will be essential that we come up with options.

I recall the previous Secretary of the Treasury advocating for a public utility concept to replace Fannie and Freddie. I would be the last one to tell others whether that is a good idea or a bad one. But it is one option. Clearly, we have conflicting goals—one of home ownership, which is the very one we all support, combined with the goal of satisfying shareholder interests. What happened is, shareholder interests trumped in a sense the kind of manageable, sensible policy that would promote home ownership at the expense of returning investments for shareholders. That is also a laudable goal. But to have the same entity have the two missions, one for home ownership, one for a return on investment, they collided with each other. We have ended up in the situation we are in without a great answer—yet—as to how to replace it.

The point I guess I am making is, I totally agree with the Senator's premise. The question is, as chairman of this committee, how do we fix this thing at this point? And I have never suggested with this bill we were dealing with every financial problem in the country. It would be an impossible task for us to take that on.

So all I can say to the Senator, as someone who will not be here next January, is, I hope whoever sits at this desk—or at this desk, across from my good friend from Alabama chairing the committee—that this will be a priority of our Banking Committee. I cannot dictate that. I cannot even bind the next Congress constitutionally with anything we require here. But my fervent hope would be—I cannot think of a more important priority for the Banking Committee of the Senate than to have the reform of Fannie and Freddie because I think we are going to be in deeper and deeper trouble both financially and in terms of home ownership if we do not. So whatever else happens here in the next few days with regard to this bill, I want to thank my friend from Georgia for his continuing commitment to the issue and to say that I associate myself with his concerns. I would also plead that failure to deal with that issue in this bill ought not to be justification for walking away from all the other good things we are trying to accomplish in this legislation.

I thank the Senator for hanging around and listening to this filibuster.

Mr. ISAKSON. Mr. President, will the Senator yield for one comment?

Mr. DODD. I am happy to yield to my friend.

Mr. ISAKSON. First of all, my comments were directed specifically to the speech of the Senator from Illinois.

Mr. DODD. I did not hear it. I apologize.

Mr. ISAKSON. They were not a criticism of the chairman, first of all. I think the ranking member would certainly agree with that.

Second of all, there is some good news that was received today, thanks to the Senator's help, because I could not have done it if it were not for him. We had the tax credit we extended and ultimately passed, which terminated April 30. As to the numbers from the most recent month: the average sales price in the 20 top markets in America, for the first time in 36 months, went up by six-tenths of 1 percent. So the distinguished chairman deserves a lot of credit for that contribution as well.

I was just making sure there was a voice over here that reminded everybody of what got us in this to begin with in the context of the speech of the Senator from Illinois. It was never a criticism of the chairman of the committee.

Mr. DODD. I thank my friend from Georgia.

With that, 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.

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

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

AMENDMENT NO. 3746, AS MODIFIED

Mr. ISAKSON. Mr. President, I understand the body may, in a little bit, take up the Whitehouse amendment, and out of an abundance of caution, to be sure my statement is in the RECORD, I want to speak to that amendment for a second.

I have the greatest respect for the Senator from Rhode Island, Mr. WHITEHOUSE, and all of his work. But the amendment he has proposed basically says that the usury rate to apply to any loan shall be the usury rate in the State, which will take us back to a period of time post 1982 or 1983, when interest rates went to 16 and three-quarters percent. And because usury rates in the United States were 8, 9, or 10 percent in most of the States, there was no money. Usury rates are the maximum ceiling that a loan can do.

Now we have South Dakota and Delaware where there are no usury rates. Most banks are chartered there and, therefore, interest rates on loans are negotiable and competitive. There are a lot of people in public life who think: Well, if you put a ceiling on interest rates, you are guaranteeing the consumer that they are not going to pay a high rate. What you are usually guaranteeing the consumer is, they are going to pay a fixed rate, which is whatever the government says is the usury rate. Floors set by government become ceilings, and ceilings by government become rates.

So I want to caution the body, in considering the Whitehouse amendment, to be very careful what you ask for. Because what you will do is you will put an end to credit in the housing business and in many other types of instruments in the United States, and you will have 50 different usury regimens in 50 different States. You will create a fixed-rate environment by the government, not by competition. What effectively happens is a rise in the cost of credit, a rise in the cost to the consumer, and in the end what I am sure is intended to be beneficial to the consumer will, in fact, cost the consumer more money and be disastrous to the expansion of credit in a time where there is very little credit as it is.

I would respectfully ask the body to consider what we went through in the mid-1980s and early 1980s with interest rates. We hope they will not go up again, but if they do, credit is more important than no credit at all, and usury rates can assure you have no credit at all and end up having the unintended consequence of having a negative impact on the economy.

I would oppose the Whitehouse amendment, should it come up tonight, and I hope the Members of the body will consider the history lesson from the early 1980s.

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

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

AMENDMENT NO. 3746, AS FURTHER MODIFIED

Mr. DODD. Mr. President, I ask unanimous consent that the Senate now resume consideration of the Whitehouse amendment No. 3746 and that the amendment be further modified with the changes at the desk; that it also be in order for the Ensign amendment to be considered; that they be debated for a total of 10 minutes, with time equally divided and controlled between Senators WHITEHOUSE and ENSIGN or their designees; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Whitehouse amendment, to be followed by a vote in relation to the Ensign amendment; that each of these amendments be subject to an affirmative 60-vote threshold; that if they achieve that threshold, then they be agreed to and the motion to reconsider be laid upon the table; that if they do not achieve that threshold, then they be withdrawn; further, that prior to the second vote, there be 4 minutes of debate, divided as specified above, and the second vote be limited to 10 minutes.

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

The amendment, as further modified, is as follows:

On page 1325 between lines 20 and 21 insert the following:

''(g) TRANSPARENCY OF OCC PREEMPTION DETERMINATIONS.—The Comptroller of the Currency shall publish and update not less frequently than quarterly, a list of preemption determinations by the Comptroller of the Currency then in effect that identifies the activities and practices covered by each determination and the requirements and constraints determined to be preempted.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States is amended by inserting after the item relating to section 5136B the following new item:

''Sec. 5136C. State law preemption standards for national banks and subsidiaries clarified.''.

(c) USURIOUS LENDERS.—Section 5197 of the Revised Statutes of the United States (12 U.S.C. 85) is amended—

(1) by striking ''Any association'' and inserting the following:

''(a) IN GENERAL.—Any association''; and

(2) by adding at the end the following:

''(b) LIMITS ON ANNUAL PERCENTAGES RATES.—Effective 12 months after the date of enactment of this subsection, the interest applicable to any consumer credit transaction, as that term is defined in section 103 of the Truth in Lending Act (other than a transaction that is secured by real property), including any fees, points, or time-price differential associated with such a transaction, may not exceed the maximum permitted by any law of the State in which the consumer resides. Nothing in this section may be construed to preempt an otherwise applicable provision of State law governing the interest in connection with a consumer credit transaction that is secured by real property.''.

Mr. DODD. Mr. President, I further ask unanimous consent that there be no further amendments to those amendments.

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

Mr. DODD. Further, Mr. President, I ask unanimous consent that it be in order for the Cantwell amendment No. 4086 to be called up for consideration.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard.

The Whitehouse amendment is now the pending question.

The Senator from Connecticut.

Mr. DODD. Mr. President, I commend the Senator from Rhode Island for his passionate and persistent advocacy for his amendment. He has been extremely eloquent.

However, I have to oppose the Senator's amendment. I do it with some reluctance.

Nobody has been more concerned about credit card abuses in this body than I have.

We passed strong, new legislation to address many of these abuses just last year, and the Federal Reserve has written regulations to implement these protections.

In addition, the Wall Street Reform Act includes a strong new consumer financial protection bureau that will, for the first time, create an independent entity devoted to empowering consumers with clear, transparent, easy-to-understand disclosures so that they can make smart financial decisions for themselves.

This bureau will help achieve the goals that Senator WHITEHOUSE hopes to accomplish with his amendment, though it will not be done in exactly the way he seeks to do it.

By creating better disclosures, by eliminating confusing fine print, the consumer bureau will help consumers become better shoppers. This will help drive down credit card interest rates.

In addition, as Senator WHITEHOUSE knows, the Wall Street Reform Act will use States as partners in enforcing new rules under the consumer title. This will put additional cops on the beat to make sure American families are not lured into buying unfair, deceptive, or abusive financial products.

In sum, the underlying legislation would be a giant leap forward for consumer protection.

But as I have said earlier, I reluctantly oppose Senator WHITEHOUSE's amendment. One of the reasons is that this amendment does not actually address the problems that it is supposed to solve. It would only stop national banks from exporting interest rates. Out-of-state savings associations and state-chartered banks can still charge a higher interest rate. So it does not restore the states ability to enforce interest rate caps against all out-of-state lenders. And it does not level the playing field for local lenders as intended.

I believe that the Wall Street Reform Act represents an important step forward for consumer protection. If, indeed, the Whitehouse amendment is even the right thing to do, we should not make the perfect the enemy of the very good.

Finally, let me say that the abuses of which Senator WHITEHOUSE speaks are very real. The interest rates so many of these banks charge are outrageous. However, it is a complex issue that will not be solved in this debate.

I urge my colleagues, let's pass the Wall Street reform bill into law, so the consumer bureau can start doing its work and start helping the American people make smart financial choices.

Mr. President, I have great respect for our colleague. He has worked hard on this amendment. He has been trying to get attention over the past 2 weeks, probably as much as anyone in this Chamber, and he is anxious to be heard. So I am grateful to my colleagues for giving him the opportunity to have this debate on a legitimate issue; that is, interest rates. All of us, of course, hear from our constituents about the rising and higher cost of interest rates.

This amendment takes an approach that would, in effect, repeal the so-called Marquette decision reached a number of years ago that allowed for interest rates to basically be determined by the home State of a corporation. That the corporation actually does business in other States is not terribly relevant to whatever the rates would be, but whatever the rate is in the State where their corporate headquarters is domiciled is what would determine that. I may not be stating that quite as eloquently as the author of the amendment will, but it is words to that effect. I am getting tired after days of describing these.

While I respect the effort here, there are some problems associated with this, in my view, so I will vote against the Whitehouse amendment. But, again, I respect my colleague's proposal. I respect the efforts he has made and believe there is legitimacy to the issue. I am not sure, however, the approach is the correct one to pursue.

With that, I see my colleague and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I thank the chairman. I guess as the old song goes, what a long, strange trip it has been to get to this vote. But I appreciate very much the chairman's efforts and the ranking member's efforts that have allowed this vote.

I thank the cosponsors who have helped me work so hard on this legislation: Senators COCHRAN, MERKLEY, DURBIN, SANDERS, LEVIN, BURRIS, FRANKEN, BROWN of Ohio, MENENDEZ, Chairman LEAHY, Senators WEBB, CASEY, WYDEN, my distinguished senior colleague from Rhode Island, JACK REED, Senator UDALL of New Mexico, and Senator BEGICH, who is now Presiding.

I am very proud of that support and very proud of the support of over 200 consumer groups for this legislation, including AARP, Consumers Union, National Consumer Law Center, Public Citizen, and Common Cause. That is a blue ribbon group of consumer supporters, and it is just the tip of the iceberg of a large organizational push to correct an inequity in American society that arises out of an inadvertent loophole that the Supreme Court created 30 years ago.

This vote presents all of my colleagues a clear, stark choice. Whose side you are on will be defined by your vote on this amendment. If you are on the side of the big out-of-State banks that are marketing into your home State and that are forcing your home State citizens to pay 30 percent and over interest rates even though those interest rates might be illegal under your home State laws, then you will cast your vote against this amendment and in favor of those big out-of-State banks charging that exorbitant interest. If you support it, you are taking the side of your home State citizens who are being gouged right now by banks over which they have no control because they are pitching their business into the home State from elsewhere and the home State laws, because of this peculiar Supreme Court loophole, have been held not to apply. If you vote in favor of this amendment, you are voting in favor of your home State's laws.

This is not a reach of Federal authority. This is traditional federalism and States rights to honor the laws of the States whose citizens sent us here and who wish to protect them from abusive interest rates.

If you vote in favor of this amendment, you are also voting in favor of your community banks, your local State-chartered banks, which don't take advantage of this loophole, which don't create their headquarters in a faraway State that gives them zero consumer protection restriction and allows them to target their marketing against the laws of the home State. The home State banks have to play by the laws of the home State, and this would level the field for your home State banks.

So it is a pretty clear and stark choice: Are you for your home State citizens, are you for your home State's laws, are you for your home State's banks or do you want to take your stand today with the big out-of-State banks whose interest rates are unregulated, whose behavior is in conflict with 200 years of American history and every civilized legal tradition dating back into the mists of time? Every major religion has limited usury. Every civilized legal code has restricted the ability of one individual to harm another by charging them exorbitant interest rates when they are in need.

This is the aberration we are facing right now. We have the chance to fix it. We have the chance to fix it in a way that is justified and proven by 202 years of history in the United States and thousands of years of tradition before that. I urge my colleagues to stand up for their fellow citizens against these out-of-State banks.

Mr. President, I yield the floor, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

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

The result was announced—yeas 35, nays 60, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—35

Akaka	Feinstein	Reed
Begich	Franken	Reid
Bennet	Gillibrand	Rockefeller
Boxer	Harkin	Sanders
Brown (OH)	Lautenberg	Schumer
Burris	Leahy	Stabenow
Cardin	LeMieux	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	McCaskill	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Nelson (FL)	

NAYS—60

Alexander	DeMint	Landrieu
Barrasso	Dodd	Lincoln
Baucus	Ensign	Lugar
Bayh	Enzi	McCain
Bennett	Graham	McConnell
Bingaman	Grassley	Murkowski
Bond	Gregg	Murray
Brown (MA)	Hagan	Nelson (NE)
Brownback	Hatch	Pryor
Bunning	Hutchison	Risch
Burr	Inhofe	Roberts
Cantwell	Inouye	Sessions
Carper	Isakson	Shaheen
Chambliss	Johanns	Shelby
Coburn	Johnson	Snowe
Collins	Kaufman	Tester
Conrad	Kerry	Thune
Corker	Klobuchar	Vitter
Cornyn	Kohl	Voinovich
Crapo	Kyl	Wicker

NOT VOTING—5

Byrd	Menendez	Warner
Lieberman	Specter	

The PRESIDING OFFICER. Under the previous order requiring 60 votes in

the affirmative, the amendment is not agreed to.

AMENDMENT NO. 4146 TO AMENDMENT NO. 3739

Mr. DODD. Mr. President, the pending business is the Ensign amendment; is that correct?

The PRESIDING OFFICER. It has not been called up at this time.

Mr. DODD. I would suggest that we call up the Ensign amendment. I understand the Senator from Nevada has a modification.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. I ask that the amendment be called up for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 4146 to amendment No. 3739.

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

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

The amendment is as follows:

On page 1273, delete lines 17–18.

Mrs. MCCASKILL. Mr. President, I wish to be recorded as opposing the Ensign amendment. Whether I have been speaking to community banks, consumer advocates, or businesses, I have been clear that the purpose of the Consumer Financial Protection Bureau would be to ensure that everyone plays by the same rules. I said I would not support carve-outs. It was clear from the initial drafts of the Ensign amendment that this was intended to exempt certain lending by casinos from the jurisdiction of the bureau. The underlying bill already clearly exempts sellers of nonfinancial products who offer financing in support of those sales. It is my belief that the Ensign amendment could undermine that goal and I therefore oppose it.

Mr. ENSIGN. Mr. President, from what I understand the amendment is agreeable to both sides.

Mr. DODD. With the modification.

Mr. ENSIGN. It is already modified. I would tell the chairman of the committee, through the Chair, the modification was the amendment we called up. So it is actually the modified amendment at the desk.

Mr. DODD. I understand there is no need for a recorded vote, we can have a voice vote?

Mr. ENSIGN. That is correct. I ask for a voice vote.

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

The amendment (No. 4146) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mr. REID. Mr. President, I have an announcement to make. Members of the Senate, we have made progress today. We are going to come in at 9:30 tomorrow. There will be amendments processed until we leave to go to the joint session. We will come back as soon as that is over and continue working on this bill.

At 2:30 I will move to reconsider the vote we had earlier today. So we will have a cloture vote at 2:30 tomorrow. Following that, of course, we have to look forward to when we are going to move to the bill of Senator INOUYE and Senator COCHRAN, on which I understand they have done some good work. That will be the next matter we move to. No further votes this evening.

Mr. FRANKEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4003, AS MODIFIED, TO AMENDMENT NO. 3739

Mr. DODD. Mr. President, I ask unanimous consent that the Senate now consider the Vitter amendment No. 4003, and that the amendment then be modified with the Pryor amendment No. 4087; that the amendment, as modified, then be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4003) is as follows:

(Purpose: To protect manufacturers and entrepeneurs from unintended regulation)

On page 19, strike line 16 and all that follows through page 21, line 22 and insert the following:

(4) NONBANK FINANCIAL COMPANY DEFINITIONS.—

(A) FOREIGN NONBANK FINANCIAL COMPANY.—The term ''foreign nonbank financial company'' means a company (other than a company that is, or is treated in the United States as, a bank holding company or a subsidiary thereof), that is—

(i) incorporated or organized in a country other than the United States; and

(ii) the consolidated revenues of which from activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) constitute 85 percent or more of the total consolidated revenues of such company.

(B) U.S. NONBANK FINANCIAL COMPANY.—The term ''U.S. nonbank financial company'' means a company (other than a bank holding company or a subsidiary thereof, or a Farm Credit System institution chartered and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et. seq.)), that is—

(i) incorporated or organized under the laws of the United States or any State; and

(ii) the consolidated revenues of which from activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) constitute 85 percent or more of the total consolidated revenues of such company.

(C) INCLUSION OF DEPOSITORY INSTITUTION REVENUES.—In determining whether a company is a financial company for purposes of this title, the consolidated revenues derived from the ownership or control of a depository institution shall be included.

(5) OFFICE OF FINANCIAL RESEARCH.—The term ''Office of Financial Research'' means the office established under section 152.

(6) SIGNIFICANT INSTITUTIONS.—The terms ''significant nonbank financial company'' and ''significant bank holding company'' have the meanings given those terms by rule of the Board of Governors.

(b) DEFINITIONAL CRITERIA.—The Board of Governors shall establish, by regulation, the criteria to determine, consistent with the requirements of subsection (a)(4), whether a company is substantially engaged in activities in the United States that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) for purposes of the definitions of the terms ''U.S. nonbank financial company'' and '' 'foreign nonbank financial company'' under subsection (a)(4).

The amendment (No. 4003), as modified, was agreed to, as follows:

(Purpose: To address nonbank financial company definitions and to provide for anti-evasion authority)

On page 20, line 1, strike ''substantially'' and insert ''predominantly''.

On page 20, beginning on line 2, strike ''activities'' and all that follows through line 5, and insert ''financial activities, as defined in paragraph (6).''.

On page 20, line 17, strike ''substantially'' and all that follows through the end of line 20, and insert ''predominantly engaged in financial activities as defined in paragraph (6).''.

On page 21, line 11, strike ''(6)'' and insert the following:

(6) PREDOMINANTLY ENGAGED.—A company is ''predominantly engaged in financial activities'' if—

(A) the annual gross revenues derived by the company and all of its subsidiaries from activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) or are incidental to a financial activity, and, if applicable, from the ownership or control of one or more insured depository institutions, represents 85 percent or more of the consolidated annual gross revenues of the company; or

(B) the consolidated assets of the company and all of its subsidiaries related to activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) or are incidental to a financial activity, and, if applicable, related to the ownership or control of one or more insured depository institutions, represents 85 percent or more of the consolidated assets of the company.

(7)

On page 21, line 16, strike ''criteria'' and all the follows through line 22, and insert ''requirements for determining if a company is predominantly engaged in financial activities, as defined in paragraph (6).''.

On page 37, line 3, strike ''(c)'' and insert the following:

(c) ANTI-EVASION.—

(1) DETERMINATIONS.—In order to avoid evasion of this Act, the Council, on its own initiative or at the request of the Board of Governors, may determine, on a nondelegable basis and by a vote of not fewer than ⅔ of the members then serving, including an affirmative vote by the Chairperson, that—

(A) material financial distress related to financial activities conducted directly or indirectly by a company incorporated or organized under the laws of the United States or any State or the financial activities in the United States of a company incorporated or organized in a country other than the United

States would pose a threat to the financial stability of the United States based on consideration of the factors in subsection (b)(2);

(B) the company is organized or operates in a manner that evades the application of this Act; and

(C) such financial activities of the company shall be supervised by the Board of Governors and subject to prudential standards in accordance with this title.

(2) NOTICE AND OPPORTUNITY FOR HEARING AND FINAL DETERMINATION; JUDICIAL REVIEW.—Subsections (d), (f), and (g) shall apply to determinations made by the Council pursuant to paragraph (1) in the same manner as such subsections apply to nonbank financial companies.

(3) COVERED FINANCIAL ACTIVITIES.—For purposes of this subsection, the term ''financial activities'' means activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) and related to the ownership or control of one or more insured depository institutions and shall not include internal financial activities conducted for the company or any affiliates thereof including internal treasury, investment, and employee benefit functions.

(4) TREATMENT AS A NONBANK FINANCIAL COMPANY.—

(A) ONLY FINANCIAL ACTIVITIES SUBJECT TO PRUDENTIAL SUPERVISION.—Nonfinancial activities of the company shall not be subject to supervision by the Board of Governors and prudential standards of the Board. For purposes of this Act, the financial activities that are the subject of the determination in paragraph (1) shall be subject to the same requirements as a nonbank financial company. Nothing in this paragraph shall prohibit or limit the authority of the Board of Governors to apply prudential standards under this title to the financial activities that are subject to the determination in paragraph (1).

(B) CONSOLIDATED SUPERVISION OF ONLY FINANCIAL ACTIVITIES.—To facilitate the supervision of the financial activities subject to the determination in paragraph (1), the Board of Governors may require a company to establish an intermediate holding company, as provided for in section 167, which would be subject to the supervision of the Board of Governors and to prudential standards under this title.

(d)

On page 37, line 15, strike ''(d)'' and insert ''(e)''.

On page 39, line 3, strike ''(e)'' and insert ''(f)''.

On page 40, line 13, strike ''(f)'' and insert ''(g)''.

On page 40, line 21, strike ''(g)'' and insert ''(h)''.

Mr. DODD. With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. 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. DODD. Mr. President, I ask unanimous consent that at 2:30 p.m. Thursday, May 20, the motion to proceed to the motion to reconsider be agreed to, the motion to reconsider be agreed to, and the Senate then proceed to vote on the motion to invoke cloture on the Dodd-Lincoln substitute, amendment No. 3739.

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

CLOTURE MOTIONS

Mr. DODD. Mr. President, I have two cloture motions at the desk.

The PRESIDING OFFICER. The cloture motions having been presented under rule XXII, the Chair directs the clerk to read the motions.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Dodd substitute amendment No. 3739 to S. 3217, the Restoring American Financial Stability Act of 2010.

Harry Reid, Christopher J. Dodd, Tim Johnson, Jack Reed, Charles E. Schumer, Patty Murray, Daniel K. Inouye, Kent Conrad, John F. Kerry, Jon Tester, Roland W. Burris, Mark R. Warner, Daniel K. Akaka, John D. Rockefeller, IV, Sheldon Whitehouse, Michael F. Bennet.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3217, the Restoring American Financial Stability Act of 2010.

Harry Reid, Christopher J. Dodd, Tim Johnson, Jack Reed, Jon Tester, Charles E. Schumer, Patty Murray, Daniel K. Inouye, Kent Conrad, John F. Kerry, Roland W. Burris, Mark R. Warner, Daniel K. Akaka, John D. Rockefeller, IV, Sheldon Whitehouse, Michael F. Bennet.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

BUREAU OF CONSUMER PROTECTION

Mr. JOHANNS. Mr. President, it is my understanding that title X of the bill would give the Bureau of Consumer Financial Protection the power to regulate not only businesses that provide financial products and services to consumers but also companies that provide services to these businesses. I understand that the purpose of giving the bureau the power to regulate these service providers is to prevent a financial service company's use of a service provider to frustrate the efforts of the bureau to protect consumers because important functions that bear directly on consumers are contracted out to service providers. I also understand that this approach is designed to provide the bureau with authority comparable to the authority that Federal bank regulators have over service providers to banks under the Bank Service Company Act.

Am I correct in understanding that it is the intent of the service provider provisions for the bureau to focus on the service contracted out, not the terms of the service contract? Further, am I correct that it is not the intent of the service provider provisions for the bureau to subject the terms of business-to-business contracts, or the agreements between providers of consumer financial products and services and their own service providers, to the jurisdiction of the bureau, even when there may be disputes between these business parties?

Mr. DODD. Mr. President, the gentleman is correct; the purpose of the Bureau of Consumer Protection is to protect consumers and not to address disputes between businesses over the terms of their business relationships.

Ms. COLLINS. Mr. President, I rise to speak in support of an amendment that Appropriations Committee Chairman INOUYE, Vice Chairman COCHRAN, Financial Services and General Government Appropriations subcommittee Chairman DURBIN and I filed to the Restoring American Financial Stability Act regarding funding for the Securities and Exchange Commission—SEC.

This amendment would strike the section that would permit the Securities and Exchange Commission to be ''self-funded''. I have serious concerns with this provision because it would allow the SEC to self finance and thus avoid the scrutiny and oversight of the appropriations process. Our bipartisan amendment would keep SEC funding as part of the appropriations process and maintain critical congressional oversight.

The financial crisis and its consequences have served to remind us all of the critical requirement for more robust oversight and heightened transparency throughout our regulatory environment and financial system. As we have seen, most recently in the review of the SEC's actions in the Bernie Madoff Ponzi scheme, there is clearly a demonstrated need for more Congressional oversight. The annual budget and appropriations process ensures congressional oversight of vital enforcement agencies such as the SEC. As noted by Vice Chairman COCHRAN, our amendment recognizes the need to ''regulate the regulators'' and to hold accountable those regulators who fail do their jobs correctly.

And the recent inspector general investigation revealing that high-level SEC employees spent their days looking at porn rather than pursuing wrong-doing demonstrates the need for oversight.

The appropriations process subjects the SEC to a review which must balance the requests of the Commission against the competing needs of other Federal agencies. That process, however, is grounded in the Constitution and the very foundation of our government is based on the concept of checks and balances. While I appreciate the accomplishments Chairman Shapiro has achieved during her tenure as chairman, funding decisions and the process by which they are made, cannot be based on any particular holder of an office, but rather on government-

wide needs and the best interests of the taxpayers.

Allowing the SEC to have sole authority to negotiate the fees that support its operations with the institutions they regulate precludes any meaningful oversight by Congress and invites conflicts of interest. Reports by the Government Accountability Office and the SEC Inspector General regarding enforcement procedures and internal controls over financial reporting highlight the need for congressional oversight. Also, the GAO has noted that SEC's current system of transaction-based fees could provide revenues that are less predictable and more difficult to estimate than the assessments used by bank regulators to fund their operations.

While the budget and appropriations process is challenging for all Federal agencies, Senator DURBIN and I, in our roles as Chairman and ranking member of the Financial Services and General Government Appropriations subcommittee, have given careful review to all resource requests from the SEC and consistently placed a high priority on its requests, recognizing the agency's critical enforcement role. For the current fiscal year, Congress provided $1.11 billion, a 25 percent increase over the fiscal year 2007 level and $85 million above the amount that the President and the SEC requested.

The financial reform bill passed by the House of Representatives does not include a provision for the SEC to be self-funding. I share the hope of Chairman INOUYE and all of the cosponsors of this amendment that the conference agreement on the bill before the Senate will preserve the critical oversight function inherent in the appropriations process. I urge that the SEC self-funding provision be dropped from the bill in conference to ensure that Congress can continue to play an important role in the oversight of our financial regulators.

Mr. LEAHY. Mr. President, last week, I filed two important amendments to the pending Wall Street reform legislation to protect the identity of whistleblowers and to ensure transparency and accountability to the American public when the government investigates allegations of financial fraud. My amendments on whistleblower confidentiality strike a careful balance between the need to protect the identity of whistleblowers and the public interest in transparency. I hope the Senate will work to include these amendments in the bill.

The recent economic crisis has revealed how corporate greed must be reigned in on Wall Street. While average Americans were suffering, many Wall Street investment banks and insurance companies went to great lengths to hide their shaky finances from stockholder and government regulators. Whistleblowers serve an important role in exposing financial fraud. This underscores the importance of ensuring that whistleblowers are provided the necessary protections to come forward with allegations of financial fraud and ensuring that the American public has access to critical information about corporate financial wrongdoing.

My amendments addresses two key problems with the whistleblower provisions in the bill: First, the bill would prevent whistleblowers from obtaining information that they themselves have provided to government regulators under any circumstances. Second, the bill creates an unnecessary exemption to the Freedom of Information Act, FOIA, that would, in some cases, shield critical information about financial fraud from the public indefinitely.

To strengthen the protections for whistleblowers, my amendments strike the well-intended, but overbroad confidentiality provisions in sections 748(h) and 922(h) of the bill, and replace those provisions with new language that both protects the confidentiality of whistleblower identity information and ensures the public's right to know. Specifically, the amendments require that government regulators may not disclose whistleblower identity information without the whistleblower's consent. My amendments also require that the government notify the whistleblower if information about the whistleblower's identity will be shared with other government agencies, or foreign authorities assisting with an investigation.

To ensure the public's right to know, my amendments remove language from the bill that, in some cases, would change law and could indefinitely shield critical information about financial fraud from the public. My amendments do not change existing disclosure requirements and exemptions under FOIA, but, rather, they require that government regulators treat information that reveals the identity of whistleblowers as confidential. Other information that a whistleblower provides to the government would remain subject to the existing disclosure requirements and exemptions under FOIA and other Federal laws.

My amendments are modeled after whistleblower protection provisions that Congress has previously and overwhelmingly enacted in other recent legislation. The amendments also complement the whistleblower protections already included in the bill.

My amendments are supported by a broad coalition of open government organizations, including—the Project on Government Oversight, Citizens for Responsibility and Ethics in Washington, OpenTheGovernment.org, Public Citizen, the Progressive States Network, Common Cause, National Community Reinvestment Coalition, Consumer Action, OMB Watch, National Fair Housing Alliance, and Americans for Financial Reform. I thank each of these organizations for their support of the amendments and for their work on behalf of whistleblowers and the public's right to know.

As the Senate concludes debate on critical reforms to head off the Wall Street fraud and abuses, we must work to ensure accountability and openness in how the government responds to this crisis. The improvements in my amendments will ensure that whistleblowers have the protection that they deserve and that financial firms will be held accountable. I urge all Senators to support these open government amendments.

I ask unanimous consent that a copy of a support letter signed by several open government organizations be printed in the RECORD.

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

MAY 11, 2010.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: We, the undersigned organizations, write to thank you and share our support for the amendment (SA 3297) you have offered to the Restoring American Financial Stability Act, S. 3217. The amendment will replace two dangerous provisions that would unnecessarily limit public access to critical information and place a gag on whistleblowers with language that instead would provide authentic confidentiality and protection of the identity of whistleblowers. We believe that in order to both preserve government accountability and encourage whistleblowers to come forward this amendment must be incorporated into S. 3217.

Tucked inside two provisions to establish whistleblower incentives and protections to rightly encourage the flow of information of wrongdoing to the Securities and Exchange Commission (SEC) and the Commodities Futures Trading Commission (CFTC) are poison pill secrecy measures. Sections 748(h)(2) and 922(h)(2) bar the public and the whistleblower from ever being able to obtain information about investigations if the government never acts. If a whistleblower faces retaliation there would be no access to government records needed to prove status as a whistleblower. If there is no action due to inept bureaucracy, fraud, collusion, or worse, there would be no way to hold the government accountable.

We must preserve the ability of the whistleblower to gain access to the information if retaliation occurs, as well as public access to hold the Commission and other government agencies accountable, especially if there is no investigation or the investigation leads to no further judicial or administrative action. Your amendment would do just that, and would remove the blanket gag orders creating a permanent seal and government secrecy.

Moreover, as you know, it is unnecessary to add additional exemptions to the Freedom of Information Act (FOIA) in these whistleblower provisions. Forty years of jurisprudence have proven the FOIA's exemptions (amended in 1986 to expand protection for law enforcement records) have stood the test of time, fairly and effectively balancing the agency's interests in confidentiality and personal privacy rights with the public's right to know.

Investigations occur across the federal government every day and information pertaining to the administrative stages of these investigations is protected. In more than two decades, no agency has expressed concern over unwarranted access to investigative information during an open investigation. We not only see no justification to hide closed

investigations of possible wrongdoing in the financial industry, whether or not provided by a whistleblower, but find this to be at cross-purposes with making government regulation of the financial industry more transparent and effective.

We thank you for this amendment to preserve whistleblower rights, public access to information, and government accountability, and for your commitment to protecting the public's right to know.

Sincerely,

Project on Government Oversight (POGO); Citizens for Responsibility and Ethics in Washington (CREW); Government Accountability Project (GAP); OpenTheGovernmentorg; Public Citizen; Progressive States Network; Common Cause; National Community Reinvestment Coalition; Consumer Action; OMB Watch; National Fair Housing Alliance; Americans for Financial Reform.

Mr. ENZI. Mr. President, I would like to make a point of clarification on my GASB amendment. This amendment creates a new and stable funding source for the Governmental Accounting Standards Board. The GASB serves an important function to provide pronouncements on accounting and financial reporting for State and local governments, and their work should be commended. However, I must clearly make a point that for the purpose of this amendment, and the work of the GASB, that financial reporting be defined as the ''presentation of objective historical financial data on the financial position and resource inflows and outflows of State and local governments, as well as information necessary to demonstrate compliance with finance-related legal or contractual provisions.''

Mr. FEINGOLD. Mr. President, I am pleased to be an original cosponsor of two amendments to the Restoring American Financial Stability Act that seek to ensure there is greater transparency around how international companies are addressing issues of foreign corruption and violent conflict that relate to their business. Creating these mechanisms to enhance transparency will help the United States and our allies more effectively deal with these complex problems, at the same time that they will also help American consumers and investors make more informed decisions.

Mr. President, I am very pleased that my colleagues agreed yesterday to accept the first amendment, sponsored by Senator BROWNBACK. This amendment specifically responds to the continued crisis in the eastern region of the Democratic Republic of Congo. Despite efforts to curb the violence, mass atrocities and widespread sexual violence and rape continue at an alarming rate. Some have justifiably labeled eastern Congo as ''the worst place in the world to be female.'' Several of us in this body, including Senators BROWNBACK and DURBIN and I, have traveled to this region and seen firsthand the tragedy of this relentless crisis. Increasingly, American citizens are also learning of the devastating situation in eastern Congo and are actively engaged to bring about policy changes. I am pleased to see Americans so engaged on this issue.

One of the underlying reasons this crisis persists is the exploitation and illicit trade in natural resources, specifically cassiterite, columbite-tantalite, wolframite and gold. The United Nations Group of Experts has reported for years how parties to the conflict in eastern Congo continue to benefit and finance themselves by controlling mines or taxing trading routes for these minerals. In response to these reports, the U.N. Security Council adopted Resolution 1857, 2008, encouraging Member States ''to ensure that companies handling minerals from the DRC exercise due diligence on their suppliers.'' Over a year ago, Senator BROWNBACK, Senator DURBIN, and I teamed up to author legislation that would do just that: the Congo Conflict Minerals Act, S. 891.

Senator BROWNBACK's amendment is taken from that bill, but includes modifications based on discussions with representatives from industry, U.S. Government agencies, and the Banking Committee. The amendment applies to companies on the U.S. stock exchanges for which these minerals constitute a necessary part of a product they manufacture. It will require those companies to make public and disclose annually to the Securities and Exchange Commission if the minerals in their products originated or may have originated in Congo or a neighboring country. Furthermore, it will require those companies to provide information on measures they have taken to exercise due diligence on the source and chain of custody to ensure activities involving such minerals did not finance or benefit armed groups.

I recognize that this conflict minerals problem is a complex one, given the importance of this trade to the local economy in eastern Congo and given the extensive supply chains and processing stages between the source and end use of these minerals. The Brownback amendment was narrowly crafted in consideration of those challenges, and it includes waivers and a sunset clause after 5 years. However, I believe strongly that the status quo in eastern Congo is unacceptable to the people there and it should be to us as well. We have put financial resources toward mitigating this crisis, but we need to get serious about addressing the underlying causes of conflict. The Brownback amendment is a significant, practical step toward doing that, and I thank my colleagues for their support of it. I thank Senator BROWNBACK for his longstanding leadership on these important humanitarian issues.

The second amendment, led by Senator CARDIN and Senator LUGAR, is different than the Congo amendment but would complement it. This amendment would require companies listed on U.S. stock exchanges to disclose in their SEC filings extractive payments made to foreign governments for oil, gas, and mining. This information would then be made public, empowering citizens in resource-rich countries in their efforts to combat corruption and hold their governments accountable. In far too many countries, natural resource wealth has fueled corruption and conflict rather than growth and development. This so-called ''resource curse'' is especially problematic in Africa, and in 2008, I chaired a subcommittee hearing on this very topic. I said then that we must look for ways that the United States can use our leverage to push for greater corporate transparency in Africa's extractive industries.

In addition to helping countries combat the ''resources curse,'' it is also in our national interest to improve transparency in the extractive industries. The amendment was drawn from an important piece of legislation, the Energy Security through Transparency Act, S. 1700. The bill was given this title because enhancing transparency in the extractive industries can have real benefits for U.S. energy security. This will ultimately create a more open investment environment and increase the reliability of commodity supplies. Energy security is a topic that Senator LUGAR and his staff have worked on for years, and we all know how central it is to our national security. I thank Senator LUGAR and Senator CARDIN for their work on this important amendment, and I urge my colleagues to support it.

Mr. DURBIN. Mr. President, I rise today to commend and thank Senators DODD and SHELBY for their extraordinary leadership and tenacity in shepherding this complex bill through the arduous floor consideration process over the past several weeks, and for their years of work to reach this point. Their task has not been an easy one. The amendment process was delicate at times, but certainly collegial and fair. The fruits of our labor are an improved product emerging from the Senate, albeit not a perfect one. Invariably, in a bill of this scope and significance, some matters were not fully addressed or resolved to everyone's satisfaction.

I am disappointed that we did not consider an important bipartisan amendment submitted by Senators INOUYE and COCHRAN relating to the funding of the Securities and Exchange Commission.

Section 991 of the bill would permit the Securities and Exchange Commission to be ''self-funded,'' thus removing a critical oversight role for the Appropriations Committee. The Inouye-Cochran amendment would have stricken this section.

Retention of the language in the bill is objectionable for a host of reasons. Section 991 removes the role of Congress in dictating how potentially limitless funds, up to whatever level is generated in fees under a budget that would be set by the SEC itself, are to be spent. It would make the agency potentially less, rather than more, responsive to congressional priorities.

Spending would go unmonitored. The critical role of the Office of Management and Budget for apportionment of funds would also disappear.

Congress oversees Federal agencies primarily through two distinct but complementary processes—authorizations and appropriations. The authorizing committees are responsible for creating a program, mandating the terms and conditions under which it operates, and establishing the basis for congressional oversight and control. The appropriations committees and subcommittees are charged with assessing the need for, amount of, and period of availability of appropriations for agencies and programs under their jurisdiction.

Exempting an agency from the appropriations process reduces opportunities for annual congressional oversight. The appropriations process, with its annual budget justifications, hearings, and markups, provides a useful layer of congressional review and scrutiny of agency operations, in addition to what is provided by the authorizing process. In the appropriations subcommittee I am privileged to chair, I have conducted annual hearings on the SEC's budget through which I have learned much about this agency's requirements, particularly its staffing and information technology needs.

Allowing an agency to set its own budget is an abdication of the constitutional responsibility of the legislative branch of government. It is a dangerous surrender of the congressional power of the purse.

It does not make sense—in this comprehensive bill aimed at bolstering oversight, transparency, and accountability of the world that the SEC regulates—that we would weaken, in fact, abolish, the vital role of the appropriations committee to evaluate the resource needs and spending by this agency.

This comprehensive bill confers significant new responsibilities on the SEC as a financial regulator. Shouldn't we evaluate on a regular basis whether this agency is responsive to the mandates we impose? Shouldn't Congress determine if the SEC has adequate funds and is using those resources wisely, in the right places, to accomplish its mission? Under section 991, we toss out the important, longstanding role and responsibility of appropriators to do just that.

Public opinion of the SEC as a vigilant investor-protector has been less than stellar in recent years. The SEC has been under withering criticism over the past years with the release of the inspector general's report chronicling the SEC's failure to identify Madoff's Ponzi scheme as far back as 1992. The recent IG report on the Stanford case is another example of years of SEC inaction to act against a Ponzi scheme.

Under the leadership of Chairman Mary Schapiro, the SEC is making strides to turn things around. I think Chairman Schapiro is doing a commendable job leading the charge for reform. However, she herself admits that there's more to do and much room for improvement. Our interest in leaving the appropriations oversight process intact is not a verdict on Chairman Schapiro's ability to effect meaningful change.

Those who contend that the SEC ought to set its own budget argue that requiring the agency to compete for funding in the annual appropriations process will lead to chronic underfunding and limited flexibility. Recent experience suggests to the contrary. My Financial Services and General Government Appropriations Subcommittee has placed high priority on the budgets of several agencies including healthy and justified increases above the President's request. For the current fiscal year, Congress provided $1.111 billion, a 25-percent increase over the fiscal year 2007 level—and $85 million above the amount that the President and the SEC requested. We have also acted promptly to consider and approve reprogramming and internal reorganization requests.

Those who claim that the SEC has been shortchanged in past years should consider that in each of the past 7 years, the SEC has had substantial amounts of unobligated balances from prior years. This means there were appropriations provided that the SEC was not able to use.

The SEC has not been reauthorized since the Sarbanes-Oxley Act of 2002, when Congress authorized $776 million for fiscal year 2003. Instead of putting this agency beyond the reach and oversight of appropriators, we should act to authorize levels of robust funding for each of the ensuing 5 years—like the House did—and thus clearly express the intent of Congress that this agency be adequately funded.

Reauthorization of suitable and reasonable funding levels would certainly send a strong signal about the amount of resources that Congress believes are necessary for this agency to thrive and grow to meet its important mission and satisfy its many new responsibilities. Leaving this agency unchecked in its budgeting and spending activities is simply the wrong way to go.

I trust that as we reconcile this bill with the version adopted in the House that this matter will be favorably resolved and that the conference agreement will acknowledge and preserve the critical oversight role of the appropriations process.

Mr. DODD. Mr. President, I rise to further discuss the reasons for my votes against two amendments relating to credit rating agencies, amendment No. 3991 creating a new credit rating agency board and amendment No. 3774 which eliminates references to requiring credit ratings from certain financial laws.

First, I want to emphasize that I agree with my colleagues that erroneous credit ratings on asset backed securities played a central role in the financial crisis and that we need to improve the regulation of credit ratings.

Credit rating agency reform is an extremely important area of the Restoring American Financial Stability Act of 2010 passed by the Banking Committee. It has 40 pages of carefully constructed credit rating reforms to improve regulation, transparency and accountability. Let me highlight some of these strong provisions, as they would improve the SEC, reform rating agencies and empower investors.

The SEC will have a new Office of Credit Ratings to regulate and promote accuracy in ratings, staffed with experts in structured, corporate and municipal debt finance. The office's own examination staff will conduct annual inspections and the essential findings will be available to the public. The SEC will have expanded authority to suspend the registration of agencies that consistently produce ratings without integrity. The SEC will also have more authority to sanction ratings agencies that violate the law, including managers who fail to supervise employees.

Credit rating agencies will have to comply with tough new requirements. Rating agency boards will be subject to new rules for independence. Rating analysts must work separately from those who sell the firm's services. Agencies must publicly disclose when they materially change their procedures or methodologies or make significant errors, and update their credit ratings accordingly. Agencies must establish strong internal controls for following procedures and methodologies and have these attested to by their CEO. The agencies must establish hotlines for whistleblowers and retain complaints about the firm's work for regulators to examine. Agency compliance officers must report annually to the SEC. Agencies must consider credible information they receive from sources other than the issuers in making the ratings, rather than relying only on the issuer's representations.

Investors will be empowered. Agencies must disclose their track record of ratings in a way that is comparable so that users can compare ratings for accuracy across different agencies. The agencies must disclose more about their ratings assumptions, limitations, risks, historic accuracy and factors that might lead to changes in ratings. Investors will also have access to due diligence reports prepared at the request of underwriters on asset backed securities, as well as have the benefit of having a new pleading standard when they need to file suit.

The recommendations and ideas underlying these provisions have been considered by the Banking Committee over the course of more than 3 years. The committee held hearings and received analyses from countless experts, regulators, ratings agencies, investors and other users. The provisions in this bill have been extensively vetted, improved and refined.

Regarding conflicts of interest, when I served as ranking member of the Securities Subcommittee, I worked with then-Banking Committee Chairman SHELBY and others to enact legislation to control or eliminate credit rating agency conflicts of interest. Through the Credit Rating Agency Reform Act of 2006, we added section 15E to the Securities Exchange Act of 1934 so that they are controlled or eliminated if they cannot be effectively managed. It gave to the SEC the power:

to prohibit, or require the management and disclosure of, any conflicts of interest relating to the issuance of credit ratings by a nationally recognized statistical rating organization, including, without limitation, conflicts of interest relating to—

(A) the manner in which a nationally recognized statistical rating organization is compensated by the obligor, or any affiliate of the obligor, for issuing credit ratings or providing related services;

(B) the provision of consulting, advisory, or other services by a nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, to the obligor, or any affiliate of the obligor;

(C) business relationships, ownership interests, or any other financial or personal interests between a nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, and the obligor, or any affiliate of the obligor;

(D) any affiliation of a nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, with any person that underwrites the securities or money market instruments that are the subject of a credit rating; and

(E) any other potential conflict of interest, as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

The SEC has adopted several rules under the act to address NRSRO conflicts of interest, amending those rules twice since they took effect in 2007. The first set of amendments took effect in 2009, and the second set of amendments will go live in a few weeks. Among other things, in addition to prohibiting certain conflicts of interest outright, these rules require each NRSRO—issuer-pay and subscriber-pay—to publicly disclose certain additional conflicts, as well as the policies and procedures it has adopted to address those conflicts. Pursuant to these rules, NRSROs must separate their business activities from their rating activities, so that the analysts, who operate in teams, to reduce the influence of any one person, do not negotiate, arrange or discuss fees. Commission rules designed to address the issuer-pay conflict include prohibitions on issuing credit ratings in certain circumstances, such as when: the NRSRO has received 10 percent or more of its revenue from an issuer or underwriter; the NRSRO makes recommendations on how to structure an instrument; the analyst has participated in fee negotiations with the issuer; or the analyst has received gifts from the issuer. There also is a new requirement that information provided to a hired NRSRO to rate a structured finance product be made available to any other NRSRO to allow the other NRSRO to determine an unsolicited—i.e., non-issuer-paid—credit rating.

Since these rules have been in effect for only a short time, we have yet to see their full benefits. And if more regulation is needed, the SEC has authority to go farther under the 2006 law.

During the consideration of S. 3217, amendment No. 3808 was introduced and passed to direct the SEC to set up a new credit rating agency board, which prohibits the private selection by issuers of rating agencies for initial asset-backed securities ratings and creates a system in which the board makes semi-random ratings assignments to nationally recognized statistical ratings organizations that it deems to be qualified. The intention is to eliminate negative effects of conflicts of interest in the issuer pay business model.

I applaud my colleague's goal of developing a solution to this problem of poor credit ratings. And I appreciate his devoting a tremendous amount of effort in a short period of time to craft his solution.

However, this novel approach raises many questions which have yet to be answered. While I support Senator FRANKEN's goal, I could not vote for this amendment while many questions and uncertainties remained about the impact of this new type of ''self-regulatory organization.''

Credit ratings have a tremendous impact on the credit markets nationally and internationally. Any significant change in their preparation should be the subject of full examination before enactment. Unresolved questions raise the potential for unintended or unforeseen consequences. In addition to my own concerns, I have received communications from many interested parties, such as a letter from the Investment Company Institute that I will ask to be printed in the RECORD.

Let me identify some of the questions that, it seems to me, exist with respect to the board and its operations:

Will the board's semi-random assignment of ratings work cause the rating agencies to lose their incentive to do a superior job, which otherwise might get them more initial ratings business?

Will the ''reasonable'' fees that the legislation directs the SEC to set for QNRSROs to charge issuers generate sufficient revenues for rating agencies of different types of securities to perform the quality of ratings they would like? In this connection, a technical question, what standards should the SEC use to determine the fees—a ''reasonable'' return on capital? prices comparable to other ratings agencies? sufficient to hire staff at compensation levels comparable to other businesses or to Federal regulatory agencies?

How many of the 10 nationally recognized statistical rating agencies are expected to register as ''qualified nationally recognized statistical ratings organizations''? Will the registrants be sufficient to make the board meaningful? Will some ratings agencies choose not to register with the board, to avoid board assessments, costs, regulatory burden or for other reasons, and would this affect the quality of ratings? Will some smaller rating agencies not register because they are unable to meet the board's qualification standards? I understand that after the passage of the amendment, one of the NRSROs has deregistered from providing ratings on asset-backed securities.

The amendment uses an issuer-pay business model. How would the amendment affect the rating agencies that use a different business model, such as a subscriber pay model, and want to provide ratings on asset backed securities?

What will be the costs of operating the new board? The legislation authorizes the board to assess QNRSROs, and how much is the board expected to assess the QNRSROs to cover its budget? How much would it add to the current cost of ratings? What is the expected budget of a board that must hire financial experts who evaluate rating agencies' qualities, institutional and technical capacity and performance and implement systems that can make ratings assignments to QNRSROs on potentially hundreds of thousands of securities in a timely fashion?

How many different categories of securities are expected to be rated and how many rating agencies are expected to be qualified to rate each type? If only two agencies have the capacity or experience to rate some complex types of securities, and an issuer wants two ratings, what will be the purpose of the SRO randomly choosing a rating agency?

How will the board attract, afford and retain top experts who would be needed to perform its statutory mandates to assess the effectiveness of ratings methodologies and assess the accuracy of ratings?

The board would be given substantial powers such as rulemaking authority over NRSROs, allocating business to NRSROs or rejecting an NRSRO's ability to obtain business. Is it certain that the board's establishment and exercise of authority are consistent with the Constitution?

The legislation states that the board will be a ''self-regulatory organization.'' What will be the impact on the new board on the numerous statutory and regulatory restrictions and obligations in the Securities Exchange Act of 1934 affecting ''self-regulatory organizations''?

What will be the interaction of the legislation's mandate that the board assess the accuracy of the credit ratings provided by QNRSROs and the ''effectiveness of the methodologies used by'' QNRSROs and the existing Federal law that states the SEC may not ''regulate the substance of credit ratings or the procedures and methodologies by

which any nationally recognized statistical rating organization determines credit ratings''?

In this legislation, the Federal Government will obligate one private party to deal with another private party of the government's choosing in a private business transaction. Does this raise any potential legal questions?

It is my understanding that beginning in June, all NRSROs will also have to publish a history of their rating actions since the NRSRO regulatory regime was instituted in June of 2007. When enough data becomes available, issuers can see which NRSRO's ratings were more reliable. Would the board be expected to be better able to identify better QNRSROs than issuers who examine this data on their own?

These are some of the questions that existed at the time of the vote. While I am sure these questions will be fully addressed in the months and years ahead, and hope that the board is successful, these questions are significant and created uncertainty, with the potential for significant unintended consequences. Accordingly, I felt it inappropriate as chairman of the Banking Committee to support the amendment.

Amendment No. 3774, which the Senate passed, removes provisions in banking and securities statutes that use credit ratings of NRSROs to distinguish the creditworthiness of obligors or debt instruments and would replace these provisions with standards promulgated by banking agencies—in the case of the banking statutes—and the SEC—in the case of securities statutes.

I agree with the intent of the provision to reduce investor reliance on NRSRO ratings in making investment decisions. However, I feel that it is unwise to eliminate all of these statutory requirements without a prior study of the consequences. Therefore, I voted against this provision.

I think it more prudent to carefully study this matter and remove ratings that are found to be unnecessary. This is why I included in S. 3217 passed by the Banking Committee a required 2-year GAO study to examine the scope of provisions in Federal and State law as to the necessity and purposes of NRSRO ratings requirement; which requirements could be removed with minimal disruption to the financial markets; the potential impacts on the financial markets and on investors if the rating requirements were rescinded; and whether the financial markets and investors could benefit from the removal of such requirements. This would be followed by reviews by the Federal financial regulators of all regulations requiring the use of an assessment of a security, requirements related to credit ratings and alternative standards of creditworthiness that are based on market-generated indicators. The bill required each agency to modify references to credit ratings in their regulations and, when removed, to use an appropriate standard of creditworthiness not related to credit ratings, if possible and consistent with the statute or the public interest. This seems to me the more appropriate way to improve the ratings situation while taking appropriate steps to avoid unforeseen and unintended consequences.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the Investment Company Institute to which I referred.

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

INVESTMENT COMPANY INSTITUTE,
Washington, DC, May 13, 2010.

Hon. HARRY REID,
Senate Majority Leader, The Capitol, Washington, DC.
Hon. MITCH MCCONNELL,
Senate Minority Leader, The Capitol, Washington, DC.
Hon. CHRISTOPHER J. DODD,
Chairman, Senate Banking Committee, Dirksen Senate Office Building,
Washington, DC.
Hon. RICHARD C. SHELBY,
Ranking Minority Member, Senate Banking Committee, Russell Senate Office Building,
Washington, DC.

Re Senate Amendment #3991, Credit Ratings.

DEAR SENATORS: I am writing on behalf of the Investment Company Institute, the national association of U.S. investment companies, to express our concerns with elements of Senate Amendment 3991 to S. 3217 of the Restoring American Financial Stability Act of 2010 (RAFSA). The Institute is highly supportive of the majority of rating agency reforms contained in the RAFSA, which focus primarily on disclosure and transparency of ratings and the ratings process. As long as ratings continue to play an important role in the investment process, they should provide investors and other market participants with high-quality, reliable assessments of the credit risks of a particular issuer or financial instrument. We are concerned, however, that Amendment 3991, which would create a Credit Rating Agency Board to regulate structured finance product ratings, may conflict with the RAFSA, create confusion for investors, and hinder competition in the rating agency space. Presented at the last minute, the changes contemplated by the Amendment would significantly alter the current regulatory regime for rating structured finance products and could, ultimately, affect the rating process for other debt securities.

First, to properly address concerns about conflicts of interest, poor disclosure, and lack of accountability, the Institute believes the reform of the regulatory structure for rating agencies must be applied in a uniform and consistent manner and should apply equally to all types of rated securities. This uniformity and consistency is not only critical to improving ratings quality and allowing investors to identify and assess potential conflicts of interest, but also to increasing competition among rating agencies. By focusing solely on structured finance securities, the Amendment would create a different set of rules for different segments of the rated marketplace which, among other issues discussed below, could create confusion among investors.

Second, establishing an additional and distinct oversight system for ratings of structured finance securities, as outlined in the Amendment, does not improve investor access to information about these securities. The Institute believes that issuers, in addition to credit rating agencies, have a role to play in the effort to increase transparency and disclosure about structured finance products, as well as for other debt instruments. To this end, we have recommended that the Commission expand the disclosure of information to investors by rating agencies. We also have recommended that the Commission take additional steps to provide investors with increased information by requiring increased disclosure directly by issuers to investors, and requiring the disclosure be in a standardized format where appropriate. In its recent proposal to revise the asset-backed securities regulatory regime, for example, the Commission has proposed to do just that—expand and standardize issuer disclosure in public and private offerings of asset-backed securities—and we commend the Commission for its efforts.

Third, we are concerned that having a Board assign a rating agency to a structured finance product stifles competition by denying the market of two or more ratings on a security and perhaps differing opinions and insights. Investors should be encouraged to pick and choose investment transactions using, to the extent they desire, the ratings they receive from the various rating agencies, not a single agency. Further, this approach creates the appearance of a ''seal of approval'' for the assigned rating by placing a government imprimatur on the rating, regardless of the proposed disclaimer contemplated by the Amendment. The fact that the Amendment would permit unsolicited ratings of an assigned security becomes meaningless under the proposed framework; as in the status quo, it will rarely, if ever, be done.

Fourth, a Board designating a rating agency allows for politicizing the rating process, even if it is by a lottery or rotation, whereby the Board could be biased on how it chooses the ''preferred'' rating agency. Conflicts can arise because Board members may have a strong interest in ensuring favorable ratings for a particular issuer or security. Consequently, we do not perceive an advantage to the proposed Board-model over the existing rating agency models, all of which possess various beneficial and detrimental characteristics.

Fifth, what will be the criteria used for determining the ''best performer'' for purposes of assigning a rating agency to a new issue? Is an ''A1'' rating more correct than an ''A'' rating? How would the Board define success or failure? Performance of debt securities in the municipal market, for example, has as much to do with structure and maturity of the security as with its credit. Drawing a line in the structured finance market would be even more difficult because of the complexity, diversity, and novelty of this market. Further, who would be responsible for surveillance under this model—the Board, the Commission, the rating agencies?

We believe that education regarding the characteristics and limitations of a rating would be of more value to investors than the operational and policy concerns raised by the Amendment. In the end, credit ratings are informed opinions which play a significant role in the investment process. Accordingly, the Institute has repeatedly stated that improving disclosure and transparency about ratings and the ratings process may be the most important reform for improving the quality and reliability of ratings. Public disclosure of this information allows investors and market participants—the consumers of ratings—to more effectively evaluate a rating agency's independence, objectivity, capability, and operations. Such disclosure also serves as an additional mechanism for ensuring the integrity and quality of the credit ratings themselves.

We appreciate the substantial progress made in the RAFSA to improve the ratings

process and we look forward to continuing to work with the Senate for the benefit of investors in this area.

Sincerely,

PAUL SCHOTT STEVENS,
President and Chief Executive Officer.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO FORMER NEVADA SUPREME COURT CHIEF JUSTICE E.M. ''AL'' GUNDERSON

Mr. REID. Mr. President, Al Gunderson was a paratrooper, a blackjack dealer, a sailor and a voracious reader. He was a lawyer, a justice, a mentor and a teacher. He was a humanitarian. And he was a loving husband to Lupe for 45 years and a wonderful father to Randy. Of all the determined leaders I have met in Nevada, no one was tougher than Al. No one was funnier. And no one worked harder than he did.

His wife, Lupe, told me this week about one memory from their time in Carson City. A young man came up to her once and asked why he kept seeing Al's Jeep at the courthouse at 3 a.m. But everyone knew the answer: Al Gunderson worked round the clock. It would be more strange not to see his car at the office.

The man who as chief justice presided for 6 years over the highest court in our State believed strongly in the phrase that watches over the entryway of the highest court in our Nation: Equal justice under law. He dedicated his life in public service to making sure everyone got a fair hearing and a just ruling. During his 18 years on the court, he steered it away from elitism and shaped it as a forum for everyday Nevadans. And if that meant standing up for the little guy, all the better.

He was a staunch advocate for civil rights. He used his passion for the law to groom future lawyers and judges as a professor at California's Southwestern University. And the same year Al was sworn in and joined the Nevada Supreme Court, he established the Nevada Judges Foundation to extend to more in our State the opportunity to serve as judges, especially in rural communities.

Al found his way to Nevada by way of Minnesota, where he was born of humble means; Nebraska, where he earned his law degree; and Chicago, where he began his legal and public service career with the Federal Trade Commission. We are fortunate that he did.

My friend and mentor and our State's former Governor, Mike O'Callaghan, used to call Al Gunderson a human being first and an outstanding legal mind second. He was right. Al Gunderson brought honor not only to the title of justice but also the pursuit of justice. We were honored to know him and learn from him.

THE PRESIDENT'S POLICY: LEADERS WITHOUT FOLLOWERS

Mr. KYL. Mr. President, I ask unanimous consent that the text of my remarks today to the National Policy Conference of The Nixon Center and The Richard Nixon Foundation be printed in the RECORD.

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

A central tenet of the Obama Administration's security policy is that, if the U.S. ''leads by example'' we can ''reassert our moral leadership'' and influence other nations to do things. It is the way the President intends to advance his goal of working toward a world free of nuclear weapons and to deal with the stated twin top priorities of the Administration: nuclear proliferation and nuclear terrorism. This morning, I want to test this thesis—to explore whether, for example, limiting our nuclear capability will cause others who pose problems to change their policies.

To begin the discussion, let me mention just three specific examples of things the administration has done to ''lead by example.''

First, the Administration's Nuclear Posture Review (NPR) changed U.S. declaratory policy to limit the circumstances under which the U.S. would use nuclear weapons to defend the nation on the theory that if we appear to devalue nuclear weapons, other states will similarly devalue them and choose not to obtain them. The downside, of course, is that such emphasis on nuclear weapons only reminds states, including rogue regimes, of their value.

Second, the central point of the START agreement, was a significant draw down of our nuclear stockpiles. And, the Administration has already been talking about a next phase that could even include reductions by countries in addition to the U.S. and Russia.

Third, President Obama wants to commit the U.S. never again to test nuclear weapons under the CTBT so that, hopefully, others will follow our example.

I'll discuss these three examples in more detail in a minute.

Obviously, if the theory is wrong, we could be risking a lot. For example, we could be jeopardizing our own security and the nuclear umbrella that assures 31 other countries of their security. Ironically, as our capacity is reduced, their propensity to build their own deterrent is increased—the opposite of what we intend.

We could be sacrificing our freedom to deploy the full range of missile defenses we need by agreeing to arms control agreements like START or other agreements or unilateral actions like the U.S. statement on missile defense accompanying the START treaty.

Were we to ratify the CTBT, we would forever legally give up our right to test weapons. That's a very serious limitation.

The point is, leading by example means sacrifices on our part that could have significant consequences. The question is whether the risks are justified.

Zero nukes: what does President Obama want to achieve with this strategy? Barack Obama has long advocated zero nuclear weapons going all the way back to his writings as a college student in 1983. In fact, he wrote then that the drive to achieve a ban on all nuclear weapons testing would be ''a powerful first step towards a nuclear free world.'' He's even cast it in moral terms, saying that ''as a nuclear power, as the only nuclear power to have used a nuclear weapon, the United States has a moral responsibility to act.''

There are four big assumptions here: that the Global Zero idea, a world without nuclear weapons, is necessarily a good thing; that such a world could realistically be achieved; that our leadership here will help to reestablish previously lost moral force behind U.S. policy; and that, if we lead by example, others will follow.

The first three assumptions need to be carefully examined; though this morning, I will focus only on the last.

Suffice it to say the following about the first three assumptions: first, is ''zero'' really desirable? If nuclear deterrence has kept the peace between superpowers since the end of World War II, which itself cost over 60 million lives by some estimates, are nuclear weapons really a risk to peace or a contributor to peace?

Second, since the know-how exists to build nuclear weapons and they can't be disinvented, is it really realistic to think they could be effectively eliminated? For example, if we get near to zero, any nation that can breakout and build even a few nuclear weapons will become a superpower.

And the superpowers themselves will find it difficult to get close to zero. For example, if Russia deploys ten extra nuclear weapons today, that's not a big deal, we have 2,200 deployed. If, however, each side is at 100 weapons, and one side deploys an extra ten, that's a significant military breakout. And while we will have 1,550 deployed weapons under the new treaty, and China will still have only several hundred, as we go lower, China has every incentive to build up quickly and become a peer competitor to the U.S. How do we deal with these problems? It's not clear we know.

Third, do we really have to ''restore our moral leadership'' and is it necessarily more moral or moral at all to eschew weapons that have been a deterrent to conflict, but the elimination of which could make the world again safe for conventional wars between the great powers? Again, World War 2 cost an estimated 60 million lives. After 1945, the great powers have been deterred from war with each other.

These three questions deserve full debate—but, it is the last assumption I want to explore today—that if we lead, others will follow.

Put another way: is the world just waiting for the U.S. to further limit or eliminate its nuclear weapons? Is it true that if we lead by example, others will follow, and nuclear weapons will cease to exist? And, does our credibility in the world depend on taking these actions?

The President outlined his vision in an interview with the New York Times last year: ''it is naïve for us to think that we can grow our nuclear stockpiles, the Russians continue to grow their nuclear stockpiles, and our allies grow their nuclear stockpiles, and that in that environment we're going to be able to pressure countries like Iran and North Korea not to pursue nuclear weapons themselves.''

The first problem with that is that it's factually wrong—we are not growing our nuclear stockpiles, we're reducing them, and we have been for years. The second problem is that, notwithstanding our reductions, others are not following suit.

One of the first places President Obama chose to lead was to modify our approach to the use of nuclear weapons in his new Nuclear Posture Review. I previously mentioned his new policy of non-use against certain kinds of non-nuclear attacks.

A second feature of the NPR was to artificially take off the table some necessary options like replacement of nuclear components to make them more reliable and safe. This is leading by example that other nuclear powers aren't following and we shouldn't be doing if we want to ensure that our weapons will do what we want them to do.

The Administration's next step was signing the NEW START treaty, with significant reductions to our deployed warheads and delivery vehicles and potential limitations on missile defense. But Russia was going to reduce its numbers with or without the treaty—so we should not conclude their acts were because we led by example. And it remains to be seen whether what we gave up will be worth the ostensible ''reset'' in our relations.

And, after NEW START, there is another arms control treaty. Let me quote Assistant Secretary of State Rose Gottemoeller in a speech titled ''The Long Road from Prague'': ''The second major arms control objective of the Obama Administration is the ratification of the Comprehensive Nuclear Test-Ban Treaty (CTBT). There is no step that we could take that would more effectively restore our moral leadership and improve our ability to reenergize the international nonproliferation consensus than to ratify the CTBT.''

Is it true we have acted badly and must atone to restore our moral leadership? Here's what we've done in disarmament already: the U.S. has reduced its nuclear weapons stockpile by 75 percent since the end of the Cold War and 90 percent since the height of the Cold War (this doesn't even include the NEW START figures). The U.S. has not conducted a nuclear weapons test since 1992. It has not designed a new warhead since the 80s nor has it built one since the 1990s. We have pulled back almost all of our tactical nuclear weapons, and in the new NPR, we will retire our sea launched cruise missile.

And what has this ''leadership'' gotten us? Has it impressed Iran and North Korea? Has it kept Russia and China and France and Great Britain and India and Pakistan from modernizing (and in some cases growing) their nuclear weapons stockpiles?

Russia is, in fact, deploying a new multipurpose attack submarine that can launch long range cruise missiles with nuclear warheads against land targets at a range of 5,000 kilometers . . . just barely missing the threshold to be considered a strategic weapon under the New START treaty. Of course, a tactical nuclear weapon has a strategic effect if it is detonated above a U.S. or allied city.

Will Pakistan or North Korea ratify the CTBT just because the U.S. does? Not likely. In fact, both nations continued their nuclear weapons tests after the U.S. unilaterally stopped testing and even after the U.S. signed the CTBT.

Have these steps motivated our allies to be more helpful in dealing with real threats like Iran and North Korea and with nuclear terrorism? If we ratify CTBT, would Great Britain suddenly have a new motivation to help us more on Iran? If we cut more nuclear weapons from our stockpile would France now be willing to cut back on its force de frappe?

Was Russia willing to discuss its tactical nuclear weapons as part of the current START treaty? Russia's President has said that ''possessing nuclear weapons is crucial to pursuing independent policies and to safeguarding sovereignty.'' In fact, Russia appears to be as difficult as ever, announcing that it will build a nuclear reactor in Syria on the same day that the U.S. announced it will begin nuclear cooperation with Russia.

Has all of our work toward disarmament impressed Turkey to play a constructive or obstructive role in reining in Iran?

The recent Nuclear Security Summit saw no meaningful new commitments because of our newfound moral leadership. In fact the most the Administration could say for it is 47 nations signed a non-binding communiqué.

And with regard to the Non Proliferation Treaty review conference, which is underway as we speak in New York, will our moral leadership bring us any benefit there? It is not encouraging to see the conference devolve into a discussion of Israel's nuclear weapons program as opposed to Iran's.

When countries have cut back their nuclear weapons programs, it was for other reasons, namely, their own security interests or economic requirements. Nations, with the exception of the U.S. it seems, take actions that they perceive to be in their best interests. They do not change their national security posture merely because of U.S. disarmament. They may even observe these steps as weakness and opt to double down on their aggressive outlaw actions as a result.

For example, Russia agreed to the limits in the new START treaty, but, as I noted, that was only because it was already going down to those levels, not because of some U.S. moral leadership.

Nor did South Africa abandon its nuclear weapons program because of our leadership—it was because of the fall of the apartheid regime.

Did Libya end its program because we opted not to go ahead with RNEP or RRW? No, Libya saw 160,000 U.S. troops in Iraq enforcing UN Security Council Resolutions on nuclear proliferation and feared it would be next.

These same interests, security and commercial, also dictate nations' actions with regard to the nuclear terrorism and proliferation issues. For example, Russia says that an Iran with nuclear weapons is a threat. And it will go along with some sanctions, e.g., sanctions that raise the global price of energy, of which Russia is the world's leading exporter—but it won't go along with sanctions cutting off Iran's flow of weapons, which Russia sells in great quantity.

And even a European country like Germany would like the U.S. to remove from that country the tactical nuclear weapons we deploy there for the defense of NATO, but, at the same time, is actually growing its economic links to Iran—and it appears willing only to impose sanctions agreed to by the U.N. and the E.U.

Bottom line: there is no evidence our moral leadership in arms control and disarmament will convince countries to set aside their calculations of the impact of nuclear proliferation and nuclear terrorism on their national security, and help us address these threats.

The Administration's security agenda is based on the notion of the U.S. making substantive changes to our national security posture in the hopes of persuading others to act, frequently contrary to their economic or security interests.

But this good faith assumption that others will reciprocate is not supported by any evidence—it is certainly not informed by any past experience. Before big changes are made to our security posture, the President owes it to the American people to explain exactly how the changes will improve our security. It cannot just be a matter of change and hope. Too much is at stake.

I also think the American people will be quite surprised to learn that their nation lost its moral leadership somewhere and that concessions to their security are now necessary to reestablish it.

As a complete aside, the most recent example of the Obama Administration's thinking in this regard is the Assistant Secretary of State for Democracy and Human Rights' comparison of the immigration law passed by my state of Arizona to the systematic policy of abuse and repression by the ''People's Republic of China.''

As you can tell by now, I am not much impressed with the notion that we can achieve important U.S. security goals by leadership which stresses concession by the U.S. Rather than change and hope, I adhere to the philosophy of President Reagan epitomized in the words ''peace through strength.''

A strong America is the best guarantor of a peaceful world that has ever been known. And there is nothing immoral about strength that keeps the peace.

NOMINATION OF ELENA KAGAN

Mr. LEAHY. Mr. President, earlier today I announced that the Senate Judiciary Committee will hold its confirmation hearing on the nomination of Solicitor General Elena Kagan to be Associate Justice on the U.S. Supreme Court beginning June 28.

I have reached out to Senator SESSIONS, the committee's ranking Republican, to discuss the scheduling of this hearing, and we were finally able to meet yesterday. We worked cooperatively to send a bipartisan questionnaire to the nominee last week. We joined together to send a letter yesterday to the Clinton Library asking for files from Solicitor General Kagan's work in the White House during the Clinton administration. I will continue to consult with Senator SESSIONS to ensure that we hold a fair hearing.

This is a reasonable schedule that is in line with past practice. The hearing on the nomination of Justice Kennedy was held just 33 days after his designation. The hearing on the nomination of Justice Ginsburg was held 36 days after her nomination. And the hearing on the nomination of Justice Rehnquist to be Chief Justice was held 42 days after his nomination. When John Roberts was first nominated to succeed Justice O'Connor, I agreed with the Republican Chairman to proceed 49 days after his designation even though he had not yet even received his answer to the committee's questionnaire. After Hurricane Katrina, the death of Chief Justice Rehnquist, and the withdrawal of that initial nomination and his nomination, instead, to be Chief Justice, the committee proceeded just days after his nomination and only 55 days from his earlier designation. Of course, last year we proceeded with the hearing on the nomination of Justice Sotomayor 48 days after she was designated. Senate Republicans said that hearing was fair and was conducted fairly. This year, I am scheduling the hearing to start 49 days after Elena Kagan's nomination.

There is no reason to unduly delay consideration of this year's nomination. Justice Stevens announced on April 9 that he would be leaving the Court. He wrote that he would resign effective the day after the Supreme

Court concludes its summer session at the end of June. He noted that ''it would be in the best interests of the Court to have [his] successor appointed and confirmed well in advance of the commencement of the Court's next Term,'' and I wholeheartedly agree with Justice Stevens. That is in the best interests of the Court and the country.

Since Justice Stevens' announcement in early April, there has been a good deal of work done in preparation. The President announced his choice a month later, on May 10. During that month, much was written and said about the eventual nominee who was identified from the outset as a leading candidate for nomination. When the President made it official, Senate Republicans were quick to react. Indeed, one Senate Republican announced on the very day that the President announced his selection that the Senator opposed Solicitor General Kagan's nomination and would be voting against confirmation. Extreme right-wing interest groups and commentators have been savaging her since before the nomination was announced, and that has not subsided. The misstatements and harsh characterizations make proceeding sooner rather than later all the more important. Solicitor General Kagan deserves the earliest opportunity to respond to these attacks and to set the record straight. The American people deserve a process that is fair and thorough but not needlessly prolonged. In selecting this hearing date, I am trying to be fair to all concerned.

I also want to conclude the process without unnecessary delay so that Solicitor General Kagan might participate fully in the deliberations of the Supreme Court in selecting cases and preparing for its new term. I want to complete Senate consideration, as Justice Stevens suggested, so that the new Justice is confirmed well in advance of the commencement of the Supreme Court's next term, so that she may organize her chambers, select her clerks, and fully participate in the work of the Court.

This schedule is also in keeping with the time line Senator MCCONNELL recommended in 2005, when President Bush made his first nomination to the Supreme Court and Senator MCCONNELL, then the Republican whip and now the Senate Republican leader, said that the Senate should consider and confirm the President's Supreme Court nomination within 60 to 70 days. We worked hard to achieve that. The final Senate vote on Chief Justice Roberts' nomination was 72 days after he was designated. Justice Sotomayor was likewise confirmed 72 days after she was named. Seventy-two days after the nomination of Elena Kagan will be July 21.

Unlike the late July nomination of John Roberts, this nomination by President Obama was announced on May 10. Unlike the resignation of Justice O'Connor, which was not announced until July, the retirement of Justice Stevens was made official on April 9. So in this instance the vacancy arose almost 3 months earlier than in 2005. After bipartisan consultation, President Obama made his nomination more than 2 months earlier than President Bush did in 2005.

One of the Republican criticisms of this nomination is that Solicitor General Kagan has not been a judge and does not have years of opinions to be considered. That should make Senators' preparation for the hearing less labor intensive than that for Justice Sotomayor. In addition, we thoroughly reviewed and considered her record just last year when the Senate, by a bipartisan majority vote, confirmed her nomination to serve as the Solicitor General of the United States, often called the ''Tenth Justice.''

To delay the confirmation hearing until July, as some have suggested, would mean extending the preparation time from 49 to 63 days. But Republicans complain that there is less to review, nothing like the thousands of opinions they complained about last year. Accordingly, we could actually proceed more quickly to the hearing. This last weekend, Republican Senators said that Solicitor General Kagan's answers at the hearing were going to be the key. If that is true and they will approach the hearing with open minds and listen to her answers to their questions, we should not needlessly delay getting to those questions and answers.

The hearing is the opportunity for all Senators on the Judiciary Committee, both Republicans and Democrats, to ask questions, raise concerns, and evaluate the nomination. It seems to me that Republican Senators are ready to ask questions now. At last week's consideration of the nomination of Goodwin Liu to the Ninth Circuit, much of the discussion from Republican Senators seemed, instead, to be about the Kagan nomination to the Supreme Court. The Republican Senators say that they want to ask her about her actions as the dean of Harvard Law School and about her judicial philosophy. It does not take 2 months to prepare to ask those questions. They have already raised them. They will surely be prepared to ask them by late June. This is a schedule that I think is both fair and adequate—fair to the nominee and adequate for us to prepare for the hearing and Senate consideration. There is no reason to indulge in needless and unreasonable delay.

We already have received Solicitor General Kagan's response to the committee's questionnaire. Senator SESSIONS and I have sent a letter to the National Archives requesting documents related to Elena Kagan's service in the Clinton administration and there should be no cause for concerns that we will have these records before the committee in light of the White House Counsel's request over the weekend for the release of thousands of pages of records from that time. We will be prepared to proceed to a hearing on June 28, almost 6 weeks from today.

The purpose of the hearing is to allow Senators to ask questions and raise their concerns. It is also the time the American people can see the nominee, consider her thoughtfulness, her temperament, and evaluate her character. I am disappointed that some Republican Senators have already declared that they will vote no on Solicitor General Kagan's nomination and have made that announcement before giving the nominee a fair chance to be heard. It is incumbent on us to allow the nominee an opportunity to be considered fairly and allow her to respond to false criticism of her record and her character. Those who are critical and have doubts should support the promptest possibly hearing. That is where questions can be asked and answered. That is why we hold hearings.

President Obama handled the selection process with the care that the American people expect and deserve and met with Senators from both sides of the aisle. I suggested that he nominate someone outside the judicial monastery, whose experiences were not limited to those in the rarified air of the Federal appellate courts. The Supreme Court's decisions have a fundamental impact on Americans' everyday lives. One need look no further than the Lilly Ledbetter and Diana Levine cases to understand how just one vote can determine the Court's decision and impact the lives and freedoms of countless Americans. One need look no further than the Citizens United decision to know that the decisions of the Supreme Court can drown out the voices of individual Americans in favor of wealthy corporate interests. I believe that Solicitor General Kagan understands that our courthouse doors must remain open to hard-working Americans.

President Obama is to be commended for having consulted with Senators from both sides of the aisle. Now the Senate must fulfill its responsibility. The nominee has returned the Judiciary Committee questionnaire and will be completing her meetings with Senators on the Judiciary Committee very soon. I hope that all Senators now will work with me to move forward to consider this nomination in a fair and timely manner.

COMMENDING PRIME MINISTER KOSOR OF CROATIA

Mr. BEGICH. Mr. President, today I honor Madame Jadranka Kosor, the Prime Minister of Croatia, on the occasion of her visit to Washington, DC. I congratulate her on becoming the first female Prime Minister of Croatia. Additionally, I commend Croatia for its promotion of genuine cooperation in southeast Europe fostering strong relations, stability and prosperity with her

neighbors. As a graduate of the Faculty of Law in Zagreb, Vice Prime Minister, Minister of the Family, Veterans' Affairs and Intergenerational Solidarity, she is a woman of much accomplishment.

Prime Minister Kosor is dedicated to leading Croatia on its final stages of accession toward membership in the European Union. This is an action strongly supported by the United States. I recognize Prime Minister Kosor's efforts and determination in carrying out all the necessary reforms in this process. She has helped to strengthen the rule of law and the economy of her country in order for it to flourish and enter into the European Union.

Croatia is a strong supporter of the United States and its efforts to restore stability and peace to many parts of the world. Croatia is one of the two newest NATO members and a staunch ally of the United States. In Afghanistan Croatia has assisted the United States for years with troops and other ground personnel.

Many years ago my paternal grandfather left Croatia for a new life in America. His son, my father, was the first Croatian American elected to the House of Representatives. I am proud to be the first Croatian American elected to the U.S. Senate. I am honored to meet with Prime Minister Kosor to discuss our nations' mutual support for democracy around the world.

Mr. President and colleagues, please join me in welcoming Prime Minister Kosor to the United States and honoring the friendship our two countries have.

ADDITIONAL STATEMENTS

RECOGNIZING THE PUJOLS FAMILY FOUNDATION

● Mrs. MCCASKILL. Mr. President, today I commemorate the work and commitment of the Pujols Family Foundation. We all know Albert Pujols as one of today's most notable baseball players and, of course, the first baseman for my home team, the St. Louis Cardinals. However, in addition to his commitments as a professional athlete, Albert has chosen to invest his time and compassion for the past 5 years in the Pujols Family Foundation. In its efforts to provide education, medical relief, and supplies to impoverished children, the Pujols Family Foundation has funded Haitian disaster relief, family-oriented events in St. Louis, and mission trips to the Dominican Republic. Through their efforts and service, the Pujols Family Foundation has become a saving grace for families living with Down's syndrome, disabilities, and life-threatening illnesses without means to afford many of the necessities we take for granted.

Albert Pujols also uses baseball as a way to bring new joy and relief to children in the Dominican Republic. Batey Baseball is a new joint venture for 2010 and is spearheaded by Albert Pujols, the Pujols Family Foundation, and Compassion International. Its mission is to teach responsibility, teamwork, and leadership to young men in the Dominican Republic through the sport of baseball. Set to launch in the summer of 2010, this program will bring joy and hope to many young baseball enthusiasts in the Dominican Republic.

It is a welcome occurrence when I have the honor to come before this body and acknowledge the selfless and tireless work done by Missourians on behalf of those less fortunate.

On behalf of myself and the people of Missouri, I would like to recognize and congratulate Albert Pujols, his wife Derdre, and the Pujols Family Foundation on their 5 years of service to the people of St. Louis, MO, and the world.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:47 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1782. An act to provide improvements for the operations of the Federal courts, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2288. An act to amend Public law 106–392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023.

H.R. 4491. An act to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes.

H.R. 4614. An act to amend part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for incentive payments under the Edward Byrne Memorial Justice Assistance Grant program for States to implement minimum and enhanced DNA collection processes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 211. Concurrent resolution recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California, and for other purposes.

ENROLLED BILLS SIGNED

At 4:02 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1782. An act to provide improvements for the operations of the Federal courts, and for other purposes.

H.R. 5014. An act to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4491. An act to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4614. An act to amend part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for incentive payments under the Edward Byrne Memorial Justice Assistance Grant program for States to implement minimum and enhanced DNA collection processes; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 211. Concurrent resolution recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2288. An act to amend Public Law 106–392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023.

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. VITTER:

S. 3384. A bill to direct the General Accountability Office to conduct a full audit of hurricane protection funding and cost estimates associated with post-Katrina hurricane protection; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BENNETT (for himself, Mr. BARRASSO, Mr. ENZI, and Mr. HATCH):

S. 3385. A bill to amend the Mineral Leasing Act to require the Secretary of the Interior to determine the impact of any proposed modification to the policy of the Department of the Interior relating to any onshore oil or natural gas preleasing or leasing activity, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Mr. PRYOR, Mr. NELSON of Florida,

Ms. KLOBUCHAR, Mrs. MCCASKILL, and Mr. LEMIEUX):

S. 3386. A bill to protect consumers from certain aggressive sales tactics on the Internet; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of Colorado:

S. 3387. A bill to provide for the release of water from the marketable yield pool of water stored in the Ruedi Reservoir for the benefit of endangered fish habitat in the Colorado River, and for other purpose; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND (for himself and Mrs. MCCASKILL):

S. Res. 534. A resolution expressing support for designation of May 1, 2010, as ''Silver Star Service Banner Day''; considered and agreed to.

By Mr. DODD (for himself, Mr. LUGAR, Mr. BINGAMAN, Mr. DURBIN, Mrs. GILLIBRAND, and Mr. MENENDEZ):

S. Res. 535. A resolution honoring the President of Mexico, Felipe Calderon Hinojosa, for his service to the people of Mexico, and welcoming the President to the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. SCHUMER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 28, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 354

At the request of Mr. WEBB, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 354, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 504

At the request of Mr. ROBERTS, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Alaska (Mr. BEGICH), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Vermont (Mr. SANDERS) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 504, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

S. 632

At the request of Mr. BAUCUS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Missouri (Mr. BOND) 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. 987

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1055

At the request of Mr. BENNETT, his name was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1651

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1651, a bill to modify a land grant patent issued by the Secretary of the Interior.

S. 2781

At the request of Ms. MIKULSKI, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2854

At the request of Mr. KOHL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2854, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for new qualified hybrid motor vehicles, and for other purposes.

S. 2862

At the request of Ms. SNOWE, the names of the Senator from Illinois (Mr. BURRIS), the Senator from California (Mrs. BOXER), the Senator from Oregon (Mr. MERKLEY), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 2862, a bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes.

S. 2905

At the request of Mr. INOUYE, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Nevada (Mr. ENSIGN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2905, a bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 3106

At the request of Mrs. HAGAN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3106, a bill to authorize States to exempt certain nonprofit housing organizations from the licensing requirements of the S.A.F.E. Mortgage Licensing Act of 2008.

S. 3213

At the request of Mr. LEVIN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3213, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 3246

At the request of Mr. WYDEN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3246, a bill to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

S. 3248

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3248, a bill to designate the Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''.

S. 3278

At the request of Mr. BENNET, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3278, a bill to establish the Meth Project Prevention Campaign Grant Program.

S. 3305

At the request of Mr. MENENDEZ, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 3305, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 3306

At the request of Mr. MENENDEZ, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3306, a bill to amend the Internal Revenue Code of 1986 to require polluters to pay the full cost of oil spills, and for other purposes.

S. 3319

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3319, a bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers.

S. 3339

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3363

At the request of Mr. CARDIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 3363, a bill to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act.

S. 3372

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3372, a bill to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels.

S. 3381

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 3381, a bill to amend the Clean Air Act to modify certain definitions of the term ''renewable biomass'', and for other purposes.

S.J. RES. 29

At the request of Mrs. FEINSTEIN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Iowa (Mr. HARKIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

At the request of Mr. MCCONNELL, the names of the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S.J. Res. 29, supra.

AMENDMENT NO. 3799

At the request of Mrs. HAGAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of amendment No. 3799 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3922

At the request of Mr. MERKLEY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 3922 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3923

At the request of Mr. SCHUMER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of amendment No. 3923 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 4003

At the request of Mr. PRYOR, his name was added as a cosponsor of amendment No. 4003 proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 4085

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 4085 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 4087

At the request of Mr. PRYOR, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 4087 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 534—EXPRESSING SUPPORT FOR DESIGNATION OF MAY 1, 2010, AS ''SILVER STAR SERVICE BANNER DAY''

Mr. BOND (for himself and Mrs. MCCASKILL) submitted the following resolution; which was considered and agreed to:

S. RES. 534

Whereas the Senate has always honored the sacrifices made by the wounded and ill members of the Armed Forces;

Whereas the Silver Star Service Banner has come to represent the members of the Armed Forces and veterans who were wounded or became ill in combat in the wars fought by the United States;

Whereas the Silver Star Families of America was formed to help the American people remember the sacrifices made by the wounded and ill members of the Armed Forces by designing and manufacturing Silver Star Service Banners and Silver Star Flags for that purpose;

Whereas the sole mission of the Silver Star Families of America is to evoke memories of the sacrifices of members and veterans of the Armed Forces on behalf of the United States through the presence of a Silver Star Service Banner in a window or a Silver Star Flag flying;

Whereas the sacrifices of members and veterans of the Armed Forces on behalf of the United States should never be forgotten; and

Whereas May 1, 2010, is an appropriate date to designate as ''Silver Star Service Banner Day'': Now, therefore, be it

Resolved, That the Senate designates May 1, 2010, as ''Silver Star Service Banner Day'' and calls upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 535—HONORING THE PRESIDENT OF MEXICO, FELIPE CALDERON HINOJOSA, FOR HIS SERVICE TO THE PEOPLE OF MEXICO, AND WELCOMING THE PRESIDENT TO THE UNITED STATES

Mr. DODD (for himself, Mr. LUGAR, Mr. BINGAMAN, Mr. DURBIN, Mrs. GILLIBRAND, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 535

Whereas the relationship between the people and Governments of the United States and Mexico is based on trust, mutual respect, and cultural exchanges that have enriched both nations;

Whereas our two nations share not just a border, but also common values and common aspirations;

Whereas millions of Americans proudly claim Mexican ancestry, and the United States is home to the world's second largest Mexican community;

Whereas, when the American people look to their south, they see not only a neighbor, but an ally and a friend;

Whereas mutual interests, including border security, economic prosperity, and clean energy, rely on the continuing development and deepening of the United States-Mexico relationship;

Whereas drug trafficking and related violence has taken a significant toll on both countries, resulting in the deaths of more than 22,000 people in Mexico in the last 3 years, including a number of law enforcement agents and public officials, highlighting the enormous problem of illegal drug use and gang violence in America;

Whereas the Governments of Mexico and the United States have worked together under the principle of shared responsibility to address this scourge through the Merida Initiative and through programs such as cooperative intelligence, border security, and anti-corruption efforts and efforts to stop the flow of weapons and illicit money from the United States into Mexico; and

Whereas the future security and prosperity of both nations depends on our continuing ability to work together in the spirit of our common values and long friendship: Now, therefore, be it

Resolved, That the Senate—

(1) warmly welcomes the President of Mexico, Felipe Calderon Hinojosa;

(2) believes that together, the Governments of Mexico and the United States can bring immense benefits to their people and make enormous contributions to addressing the global challenges of the 21st century;

(3) looks forward to the continuing progress in relations between the Governments and people of Mexico and the United States; and

(4) appreciates the social, economic, and cultural contributions of the Mexican community in the United States and desires closer relations between the people of the United States and the people of Mexico.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4115. Mr. MERKLEY (for himself and Mr. LEVIN) proposed an amendment to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

SA 4116. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4117. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3794 submitted by Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. SPECTER, and Mr. KAUFMAN) and intended to be proposed to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4118. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4119. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4120. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 3883 proposed by Ms. SNOWE (for herself and Mr. PRYOR) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4121. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 3746 proposed by Mr. WHITEHOUSE (for himself, Mr. MERKLEY, Mr. DURBIN, Mr. SANDERS, Mr. LEVIN, and Mr. BURRIS) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4122. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4055 submitted by Mrs. HUTCHISON (for herself, Mrs. HAGAN, and Mr. CORNYN) and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4123. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 3944 submitted by Mr. CORKER and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4124. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4081 submitted by Mr. HATCH and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4125. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4083 submitted by Mr. BROWN of Massachusetts and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4126. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4083 submitted by Mr. BROWN of Massachusetts and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4127. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4081 submitted by Mr. HATCH and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4128. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4055 submitted by Mrs. HUTCHISON (for herself, Mrs. HAGAN, and Mr. CORNYN) and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4129. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4052 submitted by Mr. CORKER and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4130. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4086 submitted by Ms. CANTWELL (for herself and Mrs. LINCOLN) and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4131. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4052 submitted by Mr. CORKER and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4132. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4086 submitted by Ms. CANTWELL (for herself and Mrs. LINCOLN) and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4133. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 3944 submitted by Mr. CORKER and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4134. Mr. REED submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4135. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4136. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4137. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4138. Mr. LEVIN (for himself, Mr. KAUFMAN, Mr. REED, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4139. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4140. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed to amendment SA 3883 proposed by Ms. SNOWE (for herself and Mr. PRYOR) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4141. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4142. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4050 submitted by Mr. CARDIN (for himself, Mr. LUGAR, Mr. DURBIN, Mr. SCHUMER, Mr. FEINGOLD, Mr. MERKLEY, Mr. JOHNSON, and Mr. WHITEHOUSE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4143. Mr. DODD submitted an amendment intended to be proposed to amendment SA 4081 submitted by Mr. HATCH and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4144. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4145. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3776 proposed by Mr. SPECTER (for himself, Mr. REED, Mr. KAUFMAN, Mr. DURBIN, Mr. HARKIN, Mr. LEAHY, Mr. LEVIN, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. FEINGOLD, and Mr. MERKLEY) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4146. Mr. ENSIGN proposed an amendment to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra.

SA 4147. Mr. DODD (for Mr. CARPER (for himself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. VOINOVICH)) proposed an amendment to the bill S. 920, to amend section 11317 of title 40, United States Code, to improve the transparency of the status of information technology investments, to require greater accountability for cost overruns on Federal information technology investment projects, to improve the processes agencies implement to manage information technology investments, to reward excellence in information technology acquisition, and for other purposes.

TEXT OF AMENDMENTS

SA 4115. Mr. MERKLEY (for himself and Mr. LEVIN) proposed an amendment to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

Notwithstanding any other provision of this Act, section 619 of this act shall have no force or effect, and the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by adding at the end the following:

''SEC. 13. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

''(a) IN GENERAL.—

''(1) PROHIBITION.—Unless otherwise provided in this section, a banking entity shall not—

''(A) engage in proprietary trading; or

''(B) acquire or retain any equity, partnership, or other ownership interest in or sponsor a hedge fund or a private equity fund.

''(2) NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD.—Any nonbank financial company supervised by the Board that engages in proprietary trading or takes or retains any equity, partnership, or other ownership interest in or sponsors a hedge fund or a private equity fund shall be subject by the Board to additional capital requirements for and additional quantitative limits with regards to such proprietary trading and taking or retaining any equity, partnership, or other ownership interest in or sponsorship of a hedge fund or a private equity fund, except that permitted activities as described in subsection (d) shall be subject to additional capital and additional quantitative limits as prescribed pursuant to subsection (d)(3).

''(b) STUDY AND RULEMAKING.—

''(1) STUDY.—Not later than 6 months after the date of enactment of this section, the Financial Stability Oversight Council shall study and make recommendations on implementing the provisions of this section so as to—

''(A) promote and enhance the safety and soundness of banking entities;

''(B) protect taxpayers and enhance financial stability by minimizing the risk that insured depository institutions and the affiliates of insured depository institutions will engage in unsafe and unsound activities;

''(C) limit the inappropriate transfer of Federal subsidies from institutions that benefit from deposit insurance and liquidity facilities of the Federal Government to unregulated entities;

''(D) reduce conflicts of interest between the self-interest of banking entities and nonbank financial companies supervised by the Board, and the interests of the customers of such entities and companies;

''(E) limit activities that have caused undue risk or loss in banking entities and nonbank financial companies supervised by the Board, or that might reasonably be expected to create undue risk or loss in such banking entities and nonbank financial companies supervised by the Board;

''(F) appropriately accommodate the business of insurance within an insurance company subject to regulation in accordance with the relevant insurance company investment laws while protecting the safety and soundness of any banking entity with which such insurance company is affiliated, and of the United States financial system; and

''(G) appropriately time the divestiture of illiquid assets that are affected by the implementation of the prohibitions under subsection (a).

''(2) RULEMAKING.—

''(A) IN GENERAL.—Not later than 9 months after the completion of the study under paragraph (1), the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, (unless otherwise provided in this section) shall consider the findings of the study under paragraph (1) and adopt rules to carry out this section, as provided in subparagraph (B).

''(B) COORDINATED RULEMAKING.—

''(i) REGULATORY AUTHORITY.—The regulations issued under this paragraph and subsections (d) and (e) shall be issued by—

''(I) the appropriate Federal banking agencies, jointly, with respect to insured depository institutions;

''(II) the Board, with respect to any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, any subsidiary of such a company (other than a subsidiary described in subparagraph (A) or (C)), and any nonbank financial company supervised by the Board;

''(III) the Commodity Futures Trading Commission, with respect to any entity for which the Commodity Futures Trading Commission is the primary financial regulatory agency, as defined in section 2 of the Restoring American Financial Stability Act of 2010; and

''(IV) the Securities and Exchange Commission, with respect to any entity for which the Securities and Exchange Commission is the primary financial regulatory agency, as defined in section 2 of the Restoring American Financial Stability Act of 2010.

''(ii) COORDINATION, CONSISTENCY, AND COMPARABILITY.—In developing and issuing regulations pursuant to this section, the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall consult and coordinate with each other, as appropriate, for the purposes of assuring, to the extent possible, that such regulations are comparable and provide for consistent application and implementation of the applicable provisions of this section to avoid providing advantages or imposing disadvantages to the companies affected by this subsection and to protect the safety and soundness of banking entities and nonbank financial companies supervised by the Board.

''(iii) COUNCIL ROLE.—The Chairperson of the Council shall be responsible for coordination of the regulations issued under this section.

''(c) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), this section shall take effect on the earlier of—

''(A) 12 months after the issuance of final rules under subsection (b); or

''(B) 2 years after the date of enactment of this section.

''(2) TRANSITION PERIOD FOR DIVESTITURE OF HEDGE FUNDS OR PRIVATE EQUITY FUNDS BY BANKING ENTITIES.—

''(A) NO NEW INVESTMENTS.—

''(i) NO NEW FUNDS.—On and after the date of enactment of this section, a banking entity may not sponsor or invest in a hedge fund or private equity fund that the banking entity did not sponsor or in which the banking entity was not invested on May 1, 2010.

''(ii) NO ADDITIONAL CAPITAL OR ASSETS.—On and after the date of enactment of this section, a banking entity may not sell, transfer, loan, or otherwise provide any additional capital or assets to a hedge fund or private equity fund sponsored by the banking entity or in which the banking entity invests, except to the extent necessary to fulfill a contractual obligation that was in effect on May 1, 2010.

''(B) REDUCTION OF EXISTING INVESTMENTS.—Except as provided in paragraph (3), on and after the date that is 2 years after the effective date of this section, the aggregate amount of equity, partnership, or other ownership interests in all hedge funds and private equity funds held by a banking entity shall not exceed 2 percent of the Tier I capital of the banking entity.

''(C) TOTAL DIVESTITURE.—On and after the date that is 5 years after the effective date of this section, no banking entity may engage in any activity prohibited under subsection (a)(1)(B), except as provided in paragraph (3).

''(3) TRANSITION PERIOD FOR ILLIQUID FUNDS.—

''(A) DEFINITION.—In this paragraph, the term 'illiquid fund' means a hedge fund or private equity fund that, as of May 1, 2010, was principally invested in or is invested in illiquid assets, and committed to principally invest in illiquid assets, such as portfolio companies, real estate investments, and venture capital investments, and that maintains the investment strategy of the fund that was in place as of May 1, 2010, regarding principally investing in illiquid assets. In issuing rules under this subparagraph, the Board

shall take into consideration the terms of investment for the hedge fund or private equity fund, including contractual obligations, the ability of the fund to divest of assets held by the fund, and any other factors that the Board determines are appropriate.

''(B) TRANSITION.—

''(i) IN GENERAL.—During the 4-year period beginning on the date of enactment of this section, a banking entity may only take an equity, partnership, or ownership interest in, or otherwise provide additional capital to, an illiquid fund to the extent necessary to fulfill a contractual obligation of the banking entity to the illiquid fund that was in effect on May 1, 2010.

''(ii) LIMITATIONS.—A banking entity may not exercise an option to renew, or otherwise extend the duration of, any contractual obligation described in clause (i) and shall exercise any contractual option permitting the banking entity to exit the illiquid fund if and when such option becomes available. A banking entity may elect not to exercise an option described in the preceding sentence, to the extent that the maintenance of an investment would be permitted under paragraph (2).

''(iii) EXTENSION.—

''(I) APPROVAL REQUIRED.—If a contractual obligation of a banking entity described in clause (i) extends beyond the 4-year period beginning on the date of enactment of this section, the banking entity may not continue to make the investment required under the contractual obligation without the prior written approval of the Board. In determining whether to grant an extension under this clause, the Board shall evaluate whether the proposed investment meets the requirements of this subparagraph.

''(II) TIME LIMIT ON APPROVAL.—The Board may approve an investment described in subclause (I) for a period of not longer than 2 years for each extension.

''(III) LIMIT ON NUMBER OF APPROVALS.—The Board may not approve an investment described in subclause (I) more than 3 times.

''(iv) DIVESTITURE REQUIRED.—Except as otherwise permitted under subsection (d), no banking entity may engage in any activity prohibited under subsection (a)(1)(B) after the earlier of —

''(I) the date on which the contractual obligation to invest in the illiquid fund terminates; and

''(II) the date on which the approval by the Board under clause (iii) expires.

''(4) ADDITIONAL CAPITAL.—Notwithstanding paragraph (2) or (3), on and after the effective date under paragraph (1), the Board may impose additional capital requirements, and any other restrictions, as the Board determines appropriate, on any equity, partnership, or ownership interest in or sponsorship of a hedge fund or private equity fund by a banking entity or nonbank financial company supervised by the Board, including on a case-by-case basis, as the Board determines appropriate.

''(5) RULEMAKING.—Not later than 6 months after the date of enactment of this section, the Board shall issues rules to implement paragraphs (2), (3), and (4).

''(d) PERMITTED ACTIVITIES.—

''(1) IN GENERAL.—Notwithstanding the restrictions in subsection (a), to the extent permitted by any other provision of Federal or State law, and subject to the limitations under paragraph (2) and any restrictions or limitations that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, may determine, the following activities (in this section referred to as 'permitted activities') are permitted:

''(A) The purchase, sale, acquisition, or disposition of obligations of the United States or any agency thereof; obligations, participations, or other instruments of or issued by the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, a Federal Home Loan Bank, the Federal Agricultural Mortgage Corporation, or a Farm Credit System institution chartered under and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), and obligations of any State or of any political subdivision thereof.

''(B) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) in connection with underwriting, market-making, or in facilitation of customer relationships, to the extent that any such activities permitted by this subparagraph are designed to not exceed the reasonably expected near term demands of clients, customers, or counterparties.

''(C) Risk-mitigating hedging activities designed to reduce the specific risks to a banking entity or nonbank financial company supervised by the Board.

''(D) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) on behalf of customers.

''(E) Investments in one or more small business investment companies, as defined in section 102 of the Small Business Investment Act of 1958 (15 U.S.C. 662), or investments designed primarily to promote the public welfare, as provided in paragraph (11) of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24).

''(F) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) by a regulated insurance company directly engaged in the business of insurance for the general account of the company and by any affiliate of such regulated insurance company, provided that such activities by any affiliate are solely for the general account of the regulated insurance company, if—

''(i) the purchase, sale, acquisition, or disposition is conducted in compliance with, and subject to, the insurance company investment laws, regulations, and written guidance of the State or jurisdiction in which each such insurance company is domiciled; and

''(ii) the appropriate Federal banking agencies, after consultation with the Financial Stability Oversight Council and the relevant insurance commissioners of the States and territories of the United States, have not jointly determined, after notice and comment, that a particular law, regulation, or written guidance described in clause (i) is insufficient to protect the safety and soundness of the banking entity or nonbank financial company supervised by the Board, or of the financial stability of the United States.

''(G) Organizing and offering a private equity or hedge fund, including serving as a general partner, managing member, or trustee of the fund and in any manner selecting or controlling (or having employees, officers, directors, or agents who constitute) a majority of the directors, trustees, or management of the fund, including any necessary expenses for the foregoing, only if—

''(i) the banking entity provides bona fide trust, fiduciary, or investment advisory services;

''(ii) the fund is organized and offered only in connection with the provision of bona fide trust, fiduciary, or investment advisory services and only to persons that are customers of such services of the banking entity;

''(iii) the banking entity does not acquire or retain an equity interest, partnership interest, or other ownership interest in the funds;

''(iv) the banking entity does not enter into or otherwise engage in any transaction with the hedge fund or private equity fund that is a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c);

''(v) the obligations or performance of the hedge fund or private equity fund are not guaranteed, assumed, or otherwise covered, directly or indirectly, by the banking entity or any subsidiary or affiliate of the banking entity;

''(vi) the banking entity does not share with the hedge fund or private equity fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name;

''(vii) no director or employee of the banking entity takes or retains an equity interest, partnership interest, or other ownership interest in, except for any director or employee of the banking entity who is directly engaged in providing investment advisory or other services to the hedge fund or private equity fund; and

''(viii) the banking entity complies with any rules of the appropriate Federal banking agencies, the Securities and Exchange Commission, or the Commodity Futures Trading Commission designed to ensure that losses in such hedge fund or private equity fund are borne solely by investors in the fund and not by the banking entity.

''(H) Proprietary trading conducted by a company pursuant to paragraph (9) or (13) of section 4(c), provided that the trading occurs solely outside of the United States and that the banking entity or nonbank financial company supervised by the Board is not directly or indirectly controlled by a United States person.

''(I) The acquisition or retention of any equity, partnership, or other ownership interest in, or the sponsorship of, a hedge fund or a private equity fund by a banking entity or nonbank financial company supervised by the Board pursuant to paragraph (9) or (13) of section 4(c) solely outside of the United States, provided that no ownership interest in such hedge fund or private equity fund is offered for sale or sold to a resident of the United States and that the banking entity or nonbank financial company supervised by the Board is not directly or indirectly controlled by a company that is organized in the United States.

''(J) Such other activity as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission determine through regulation, as provided in subsection (b)(2)(B), would promote and protect the safety and soundness of the banking entity or nonbank financial company supervised by the Board and the financial stability of the United States.

''(2) LIMITATION ON PERMITTED ACTIVITIES.—

''(A) IN GENERAL.—No transaction, class of transactions, or activity may be deemed a permitted activity under paragraph (1) if it—

''(i) would involve or result in a material conflict of interest (as such term shall be defined jointly by rule) between the banking entity or the nonbank financial company supervised by the Board and its clients, customers, or counterparties;

''(ii) would result, directly or indirectly, in an unsafe and unsound exposure by the banking entity or nonbank financial company supervised by the Board to high-risk assets or high-risk trading strategies (as such terms shall be defined jointly by rule);

''(iii) would pose a threat to the safety and soundness of such banking entity or nonbank financial company supervised by the Board; or

''(iv) would pose a threat to the financial stability of the United States.

''(B) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations to implement subparagraph (A), as part of the regulations issued under subsection (b)(2).

''(3) CAPITAL AND QUANTITATIVE LIMITATIONS.—The Board shall adopt rules, as provided under subsection (b)(2), imposing additional capital requirements and quantitative limitations regarding the activities permitted under this section if the Board determines that additional capital and quantitative limitations are appropriate to protect the safety and soundness of the banking entities and nonbank financial companies supervised by the Board engaged in such activities.

''(e) ANTI-EVASION.—

''(1) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations as part of the rulemaking provided for in subsection (b)(2) regarding internal controls and recordkeeping in order to insure compliance with this section.

''(2) TERMINATION OF ACTIVITIES OR INVESTMENT.—Whenever an appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, has reasonable cause to believe that a banking entity or nonbank financial company supervised by the Board under the respective agency's jurisdiction has made an investment or engaged in an activity in a manner that functions as an evasion of the requirements of this section (including through an abuse of any permitted activity) or otherwise violates the restrictions under this section, the appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, shall order, after due notice and opportunity for hearing, the banking entity or nonbank financial company supervised by the Board to terminate the activity and, as relevant, dispose of the investment. Nothing in this subparagraph shall be construed to limit the inherent authority of any Federal agency or State regulatory authority to further restrict any investments or activities under otherwise applicable provisions of law.

''(f) LIMITATIONS ON RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—

''(1) IN GENERAL.—No banking entity that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund may enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c) with the hedge fund or private equity fund.

''(2) TREATMENT AS MEMBER BANK.—A banking entity that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund shall be subject to section 23A and 23B of the Federal Reserve Act (12 U.S.C. 371c–1), as if such person were a member bank and such hedge fund or private equity fund were an affiliate thereof.

''(3) COVERED TRANSACTIONS WITH UNAFFILIATED HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—No banking entity may enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c), with any hedge fund or private equity fund organized and offered by the banking entity or with any hedge fund or private equity fund in which such hedge fund or private equity fund has taken any equity, partnership, or other ownership interest.

''(g) RULES OF CONSTRUCTION.—

''(1) LIMITATION ON CONTRARY AUTHORITY.—Any prohibitions or restrictions under this section shall apply even though such activities may be authorized for a banking entity or a nonbank financial company supervised by the Board under any other provision of law.

''(2) SALE OR SECURITIZATION OF LOANS.—Nothing in this section shall be construed to limit or restrict the ability of a banking entity or nonbank financial company supervised by the Board to sell or securitize loans in a manner otherwise permitted by law.

''(3) AUTHORITY OF FEDERAL AGENCIES AND STATE REGULATORY AUTHORITIES.—Nothing in this section shall be construed to limit the inherent authority of any Federal agency or State regulatory authority under otherwise applicable provisions of law.

''(h) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) BANKING ENTITY.—The term 'banking entity' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, and any affiliate or subsidiary of any such entity. For purposes of this paragraph, the term 'insured depository institution' does not include an institution that functions solely in a trust or fiduciary capacity, if—

''(A) all or substantially all of the deposits of such institution are in trust funds and are received in a bona fide fiduciary capacity;

''(B) no deposits of such institution which are insured by the Federal Deposit Insurance Corporation are offered or marketed by or through an affiliate of such institution;

''(C) such institution does not accept demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties or others or make commercial loans; and

''(D) such institution does not—

''(i) obtain payment or payment related services from any Federal Reserve bank, including any service referred to in section 11(a) of the Federal Reserve Act (12 U.S.C. 248a); or

''(ii) exercise discount or borrowing privileges pursuant to section 19(b)(7) of the Federal Reserve Act (12 U.S.C. 461(b)(7)).

''(2) HEDGE FUND; PRIVATE EQUITY FUND.—The terms 'hedge fund' and 'private equity fund' mean a company or other entity that is exempt from registration as an investment company pursuant to section 3(c)(1) or 3(c)(7) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(1) or 80a–3(c)(7)), or such similar funds as jointly determined appropriate by the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.

''(3) NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD.—The term 'nonbank financial company supervised by the Board' means a nonbank financial company supervised by the Board of Governors, as defined in section 102 of the Financial Stability Act of 2010.

''(4) PROPRIETARY TRADING.—The term 'proprietary trading' means engaging as a principal for its own trading account in any transaction to purchase or sell, or otherwise acquire or dispose of, any security, any derivative, any contract of sale of a commodity for future delivery, any option on any such security, derivative, or contract, or any other security or financial instrument that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may jointly, by rule, determine.

''(5) SPONSOR.—The term to 'sponsor' a fund means—

''(A) to serve as a general partner, managing member, or trustee of a fund;

''(B) in any manner to select or to control (or to have employees, officers, or directors, or agents who constitute) a majority of the directors, trustees, or management of a fund; or

''(C) to share with a fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name.

''(6) TRADING ACCOUNT.—The term 'trading account' means any account used for acquiring or taking positions in the securities and instruments described in paragraph (4) principally for the purpose of selling in the near term (or otherwise with the intent to resell in order to profit from short-term price movements), and any such other accounts as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may jointly, by rule, determine.''.

SEC. ____. CONFLICTS OF INTEREST.

The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 27A the following:

''SEC. 27B. CONFLICTS OF INTEREST RELATING TO CERTAIN SECURITIZATIONS.

''(a) IN GENERAL.—An underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, of an asset-backed security (as such term is defined in section 3 of the Securities and Exchange Act of 1934 (15 U.S.C. 78c), which for the purposes of this section shall include a synthetic asset-backed security), shall not, during such period as the asset-backed security is outstanding or such lesser period as the Commission determines is appropriate, engage in any transaction that would involve or result in any material conflict of interest with respect to any investor in a transaction arising out of such activity.

''(b) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules for the purpose of implementing subsection (a) including any appropriate disclosures or other measures.

''(c) EXCEPTION.—The prohibitions of subsection (a) shall not apply to risk-mitigating hedging activities in connection with positions or holdings arising out of the underwriting, placement, initial purchase, or sponsorship of an asset-backed security, provided that such activities are designed to reduce the specific risks to the underwriter, placement agent, initial purchaser, or sponsor associated with positions or holdings arising out of such underwriting, placement, initial purchase, or sponsorship. This subsection shall not otherwise limit the application of section 15G of the Securities Exchange Act of 1934.''.

SA 4116. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

(g) FEDERAL RESERVE MAXIMUM RESERVE RATIOS.—Effective 90 days after the date of enactment of this Act, the authority of the Federal Reserve to vary the maximum reserve ratios for depository institutions shall be—

(1) 0 to 25 (with respect to transaction deposits); and

(2) 0 to 25 (with respect to time) deposits.

SA 4117. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3794 submitted by Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. SPECTER, and Mr. KAUFMAN) and intended to be proposed to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, strike line 24 and all that follows through page 11, line 8, and insert the following:

(c) AMENDMENTS TO THE FALSE CLAIMS ACT RELATING TO LIMITATIONS ON ACTIONS.—Section 3730(h) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking ''or agent on behalf of the employee, contractor, or agent or associated others in furtherance of other efforts to stop 1 or more violations of this subchapter'' and inserting ''agent or associated others in furtherance of an action under this section or other efforts to stop 1 or more violations of this subchapter''; and

(2) by adding at the end the following:

''(3) LIMITATION ON BRINGING CIVIL ACTION.—A civil action under this subsection may not be brought more than 3 years after the date when the retaliation occurred.''.

(d) PROMOTING CRIMINAL ACCOUNTABILITY.—

(1) DEFINITIONS.—In this subsection, the terms ''Bureau'', ''consumer financial product or service'', ''designated transfer date'', and ''Federal consumer financial law'' have the meanings given those terms in section 1002.

(2) NOTICE AND COORDINATION.—

(A) NOTICE OF OTHER ACTIONS.—In addition to any notice required under section 1054(d), the Bureau shall notify the Attorney General concerning any action, suit, or proceeding to which the Bureau is a party, except an action, suit, or proceeding that involves the offering or provision of consumer financial products or services.

(B) COORDINATION.—In order to avoid conflicts and promote consistency regarding litigation of matters under Federal law, the Attorney General and the Bureau shall consult regarding the coordination of investigations and proceedings, including by negotiating an agreement for coordination by not later than 180 days after the designated transfer date. The agreement under this subparagraph shall include provisions to ensure that parallel investigations and proceedings involving the Federal consumer financial laws are conducted in a manner that avoids conflicts and does not impede the ability of the Attorney General to prosecute violations of Federal criminal laws.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the authority of the Bureau under title X, including the authority to interpret Federal consumer financial law.

SA 4118. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after (a), add the following:

EXCLUSION FOR AUTO DEALERS.

(a) IN GENERAL.—The Director and the Bureau may not exercise any rulemaking, supervisory, enforcement, or any other authority, including authority to order assessments over a motor vehicle dealer that is predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.

(b) CERTAIN FUNCTIONS EXCEPTED.—The provisions of subsection (a) shall not apply to any person, to the extent that such person—

(1) provides consumers with any services related to residential or commercial mortgages and self-financing transactions involving real property;

(2) operates a line of business that involves the extension of retail credit or retail leases involving motor vehicles, and in which—

(A) the extension of retail credit or retail leases are provided directly to consumers; and

(B) the contract governing such extension of retail credit or retail leases is not predominantly assigned to a third-party finance or leasing source; or

(3) offers or provides a consumer financial product or service not involving or related to the sale, financing, leasing, rental, repair, refurbishment, maintenance, or other servicing of motor vehicles, motor vehicle parts, or any related or ancillary product or service.

(c) NO IMPACT ON PRIOR AUTHORITY.—Nothing in this section shall be construed to modify, limit, or supersede the rulemaking or enforcement authority over motor vehicle dealers that could be exercised by any Federal department or agency on the day before the date of enactment of this Act.

(d) NO TRANSFER OF CERTAIN AUTHORITY.—Notwithstanding any other provision of this Act, the consumer financial protection functions of the Board of Governors and the Federal Trade Commission shall not be transferred to the Director or the Bureau to the extent such functions are with respect to a person described under subsection (a).

(e) COORDINATION WITH OFFICE OF SERVICE MEMBER AFFAIRS.—The Board of Governors and the Federal Trade Commission shall coordinate with the Office of Service Member Affairs, to ensure that—

(1) service members and their families are educated and empowered to make better informed decisions regarding consumer financial products and services offered by motor vehicle dealers, with a focus on motor vehicle dealers in the proximity of military installations; and

(2) complaints by service members and their families concerning such motor vehicle dealers are effectively monitored and responded to, and where appropriate, enforcement action is pursued by the authorized agencies.

(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) MOTOR VEHICLE.—The term ''motor vehicle'' means—

(A) any self-propelled vehicle designed for transporting persons or property on a street, highway, or other road;

(B) recreational boats and marine equipment;

(C) motorcycles;

(D) motor homes, recreational vehicle trailers, and slide-in campers, as those terms are defined in sections 571.3 and 575.103 (d) of title 49, Code of Federal Regulations, or any successor thereto; and

(E) other vehicles that are titled and sold through dealers.

(2) MOTOR VEHICLE DEALER.—The term ''motor vehicle dealer'' means any person or resident in the United States, or any territory of the United States, who is licensed by a State, a territory of the United States, or the District of Columbia to engage in the sale of motor vehicles.

SA 4119. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1032, strike lines 7 through 11 and insert the following:

(7) CREDIT.— The term ''credit'' means—

(A) the right granted by a person to a consumer to defer payment of a debt, incur debt and defer its payment, or purchase property or services and defer payment for such purchase; and

(B) such right is subject to a finance charge.

SA 4120. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 3883 proposed by Ms. SNOWE (for herself and Mr. PRYOR) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1032, strike lines 7 through 11 and insert the following:

(7) CREDIT.—The term ''credit'' means—

(A) the right granted by a person to a consumer to defer payment of a debt, incur debt and defer its payment, or purchase property or services and defer payment for such purchase; and

(B) such right is subject to a finance charge.

SA 4121. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 3746 proposed by Mr. WHITEHOUSE (for himself, Mr. MERKLEY, Mr. DURBIN, Mr. SANDERS, Mr. LEVIN, and Mr. BURRIS) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN))

to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1032, strike lines 7 through 11 and insert the following:

(7) CREDIT— The term ''credit'' means—

(A) the right granted by a person to a consumer to defer payment of a debt, incur debt and defer its payment, or purchase property or services and defer payment for such purchase; and

(B) such right is subject to a finance charge.

SA 4122. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4055 submitted by Mrs. HUTCHISON (for herself, Mrs. HAGAN, and Mr. CORNYN) and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, line ____, of the amendment insert the following:

(c) CONFLICTS OF INTEREST.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 27A the following:

''SEC. 27B. CONFLICTS OF INTEREST RELATING TO CERTAIN SECURITIZATIONS.

''(a) IN GENERAL.—An underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, of an asset-backed security (as such term is defined in section 3 of the Securities and Exchange Act of 1934 (15 U.S.C. 78c), which for the purposes of this section shall include a synthetic asset-backed security), shall not, during such period as the asset-backed security is outstanding or such lesser period as the Commission determines is appropriate, engage in any transaction that would involve or result in any material conflict of interest with respect to any investor in a transaction arising out of such activity.

''(b) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules for the purpose of implementing subsection (a) including any appropriate disclosures or other measures. The disclosure by a person of a material conflict of interest with respect to a transaction prohibited under subsection (a) may not be construed to permit any person to engage in the transaction.

''(c) EXCEPTION.—The prohibitions of subsection (a) shall not apply to risk-mitigating hedging activities in connection with positions or holdings arising out of the underwriting, placement, initial purchase, or sponsorship of an asset-backed security, provided that such activities are designed to reduce the specific risks to the underwriter, placement agent, initial purchaser, or sponsor associated with positions or holdings arising out of such underwriting, placement, initial purchase, or sponsorship. This subsection shall not otherwise limit the application of section 15G of the Securities Exchange Act of 1934.''.

SA 4123. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 3944 submitted by Mr. CORKER and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, line ____, of the amendment insert the following:

(c) CONFLICTS OF INTEREST.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 27A the following:

''SEC. 27B. CONFLICTS OF INTEREST RELATING TO CERTAIN SECURITIZATIONS.

''(a) IN GENERAL.—An underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, of an asset-backed security (as such term is defined in section 3 of the Securities and Exchange Act of 1934 (15 U.S.C. 78c), which for the purposes of this section shall include a synthetic asset-backed security), shall not, during such period as the asset-backed security is outstanding or such lesser period as the Commission determines is appropriate, engage in any transaction that would involve or result in any material conflict of interest with respect to any investor in a transaction arising out of such activity.

''(b) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules for the purpose of implementing subsection (a) including any appropriate disclosures or other measures. The disclosure by a person of a material conflict of interest with respect to a transaction prohibited under subsection (a) may not be construed to permit any person to engage in the transaction.

''(c) EXCEPTION.—The prohibitions of subsection (a) shall not apply to risk-mitigating hedging activities in connection with positions or holdings arising out of the underwriting, placement, initial purchase, or sponsorship of an asset-backed security, provided that such activities are designed to reduce the specific risks to the underwriter, placement agent, initial purchaser, or sponsor associated with positions or holdings arising out of such underwriting, placement, initial purchase, or sponsorship. This subsection shall not otherwise limit the application of section 15G of the Securities Exchange Act of 1934.''.

SA 4124. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4081 submitted by Mr. HATCH and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, line ____, of the amendment insert the following:

(c) CONFLICTS OF INTEREST.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 27A the following:

''SEC. 27B. CONFLICTS OF INTEREST RELATING TO CERTAIN SECURITIZATIONS.

''(a) IN GENERAL.—An underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, of an asset-backed security (as such term is defined in section 3 of the Securities and Exchange Act of 1934 (15 U.S.C. 78c), which for the purposes of this section shall include a synthetic asset-backed security), shall not, during such period as the asset-backed security is outstanding or such lesser period as the Commission determines is appropriate, engage in any transaction that would involve or result in any material conflict of interest with respect to any investor in a transaction arising out of such activity.

''(b) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules for the purpose of implementing subsection (a) including any appropriate disclosures or other measures. The disclosure by a person of a material conflict of interest with respect to a transaction prohibited under subsection (a) may not be construed to permit any person to engage in the transaction.

''(c) EXCEPTION.—The prohibitions of subsection (a) shall not apply to risk-mitigating hedging activities in connection with positions or holdings arising out of the underwriting, placement, initial purchase, or sponsorship of an asset-backed security, provided that such activities are designed to reduce the specific risks to the underwriter, placement agent, initial purchaser, or sponsor associated with positions or holdings arising out of such underwriting, placement, initial purchase, or sponsorship. This subsection shall not otherwise limit the application of section 15G of the Securities Exchange Act of 1934.''.

SA 4125. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4083 submitted by Mr. BROWN of Massachusetts and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, line ____, of the amendment insert the following:

(c) CONFLICTS OF INTEREST.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 27A the following:

''SEC. 27B. CONFLICTS OF INTEREST RELATING TO CERTAIN SECURITIZATIONS.

''(a) IN GENERAL.—An underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, of an asset-backed security (as such term is defined in section 3 of the Securities and Exchange Act of 1934 (15 U.S.C. 78c), which for the purposes of this section shall include

a synthetic asset-backed security), shall not, during such period as the asset-backed security is outstanding or such lesser period as the Commission determines is appropriate, engage in any transaction that would involve or result in any material conflict of interest with respect to any investor in a transaction arising out of such activity.

''(b) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules for the purpose of implementing subsection (a) including any appropriate disclosures or other measures. The disclosure by a person of a material conflict of interest with respect to a transaction prohibited under subsection (a) may not be construed to permit any person to engage in the transaction.

''(c) EXCEPTION.—The prohibitions of subsection (a) shall not apply to risk-mitigating hedging activities in connection with positions or holdings arising out of the underwriting, placement, initial purchase, or sponsorship of an asset-backed security, provided that such activities are designed to reduce the specific risks to the underwriter, placement agent, initial purchaser, or sponsor associated with positions or holdings arising out of such underwriting, placement, initial purchase, or sponsorship. This subsection shall not otherwise limit the application of section 15G of the Securities Exchange Act of 1934.''.

SA 4126. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4083 submitted by Mr. BROWN of Massachusetts and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

Notwithstanding any other provision of this Act, section 619 of this act shall have no force or effect, and the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by adding at the end the following:

''SEC. 13. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

''(a) IN GENERAL.—

''(1) PROHIBITION.—Unless otherwise provided in this section, a banking entity shall not—

''(A) engage in proprietary trading; or

''(B) acquire or retain any equity, partnership, or other ownership interest in or sponsor a hedge fund or a private equity fund.

''(2) NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD.—Any nonbank financial company supervised by the Board that engages in proprietary trading or takes or retains any equity, partnership, or other ownership interest in or sponsors a hedge fund or a private equity fund shall be subject by the Board to additional capital requirements for and additional quantitative limits with regards to such proprietary trading and taking or retaining any equity, partnership, or other ownership interest in or sponsorship of a hedge fund or a private equity fund, except that permitted activities as described in subsection (d) shall be subject to additional capital and additional quantitative limits as prescribed pursuant to subsection (d)(3).

''(b) STUDY AND RULEMAKING.—

''(1) STUDY.—Not later than 6 months after the date of enactment of this section, the Financial Stability Oversight Council shall study and make recommendations on implementing the provisions of this section so as to—

''(A) promote and enhance the safety and soundness of banking entities;

''(B) protect taxpayers and enhance financial stability by minimizing the risk that insured depository institutions and the affiliates of insured depository institutions will engage in unsafe and unsound activities;

''(C) limit the inappropriate transfer of Federal subsidies from institutions that benefit from deposit insurance and liquidity facilities of the Federal Government to unregulated entities;

''(D) reduce conflicts of interest between the self-interest of banking entities and nonbank financial companies supervised by the Board, and the interests of the customers of such entities and companies;

''(E) limit activities that have caused undue risk or loss in banking entities and nonbank financial companies supervised by the Board, or that might reasonably be expected to create undue risk or loss in such banking entities and nonbank financial companies supervised by the Board;

''(F) appropriately accommodate the business of insurance within an insurance company subject to regulation in accordance with the relevant insurance company investment laws while protecting the safety and soundness of any banking entity with which such insurance company is affiliated, and of the United States financial system; and

''(G) appropriately time the divestiture of illiquid assets that are affected by the implementation of the prohibitions under subsection (a).

''(2) RULEMAKING.—

''(A) IN GENERAL.—Not later than 9 months after the completion of the study under paragraph (1), the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, (unless otherwise provided in this section) shall consider the findings of the study under paragraph (1) and adopt rules to carry out this section, as provided in subparagraph (B).

''(B) COORDINATED RULEMAKING.—

''(i) REGULATORY AUTHORITY.—The regulations issued under this paragraph and subsections (d) and (e) shall be issued by—

''(I) the appropriate Federal banking agencies, jointly, with respect to insured depository institutions;

''(II) the Board, with respect to any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, any subsidiary of such a company (other than a subsidiary described in subparagraph (A) or (C)), and any nonbank financial company supervised by the Board;

''(III) the Commodity Futures Trading Commission, with respect to any entity for which the Commodity Futures Trading Commission is the primary financial regulatory agency, as defined in section 2 of the Restoring American Financial Stability Act of 2010; and

''(IV) the Securities and Exchange Commission, with respect to any entity for which the Securities and Exchange Commission is the primary financial regulatory agency, as defined in section 2 of the Restoring American Financial Stability Act of 2010.

''(ii) COORDINATION, CONSISTENCY, AND COMPARABILITY.—In developing and issuing regulations pursuant to this section, the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall consult and coordinate with each other, as appropriate, for the purposes of assuring, to the extent possible, that such regulations are comparable and provide for consistent application and implementation of the applicable provisions of this section to avoid providing advantages or imposing disadvantages to the companies affected by this subsection and to protect the safety and soundness of banking entities and nonbank financial companies supervised by the Board.

''(iii) COUNCIL ROLE.—The Chairperson of the Council shall be responsible for coordination of the regulations issued under this section.

''(c) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), this section shall take effect on the earlier of—

''(A) 12 months after the issuance of final rules under subsection (b); or

''(B) 2 years after the date of enactment of this section.

''(2) TRANSITION PERIOD FOR DIVESTITURE OF HEDGE FUNDS OR PRIVATE EQUITY FUNDS BY BANKING ENTITIES.—

''(A) NO NEW INVESTMENTS.—

''(i) NO NEW FUNDS.—On and after the date of enactment of this section, a banking entity may not sponsor or invest in a hedge fund or private equity fund that the banking entity did not sponsor or in which the banking entity was not invested on May 1, 2010.

''(ii) NO ADDITIONAL CAPITAL OR ASSETS.—On and after the date of enactment of this section, a banking entity may not sell, transfer, loan, or otherwise provide any additional capital or assets to a hedge fund or private equity fund sponsored by the banking entity or in which the banking entity invests, except to the extent necessary to fulfill a contractual obligation that was in effect on May 1, 2010.

''(B) REDUCTION OF EXISTING INVESTMENTS.—Except as provided in paragraph (3), on and after the date that is 2 years after the effective date of this section, the aggregate amount of equity, partnership, or other ownership interests in all hedge funds and private equity funds held by a banking entity shall not exceed 2 percent of the Tier I capital of the banking entity.

''(C) TOTAL DIVESTITURE.—On and after the date that is 5 years after the effective date of this section, no banking entity may engage in any activity prohibited under subsection (a)(1)(B), except as provided in paragraph (3).

''(3) TRANSITION PERIOD FOR ILLIQUID FUNDS.—

''(A) DEFINITION.—In this paragraph, the term 'illiquid fund' means a hedge fund or private equity fund that, as of May 1, 2010, was principally invested in or is invested in illiquid assets, and committed to principally invest in illiquid assets, such as portfolio companies, real estate investments, and venture capital investments, and that maintains the investment strategy of the fund that was in place as of May 1, 2010, regarding principally investing in illiquid assets. In issuing rules under this subparagraph, the Board shall take into consideration the terms of investment for the hedge fund or private equity fund, including contractual obligations, the ability of the fund to divest of assets held by the fund, and any other factors that the Board determines are appropriate.

''(B) TRANSITION.—

''(i) IN GENERAL.—During the 4-year period beginning on the date of enactment of this

section, a banking entity may only take an equity, partnership, or ownership interest in, or otherwise provide additional capital to, an illiquid fund to the extent necessary to fulfill a contractual obligation of the banking entity to the illiquid fund that was in effect on May 1, 2010.

''(ii) LIMITATIONS.—A banking entity may not exercise an option to renew, or otherwise extend the duration of, any contractual obligation described in clause (i) and shall exercise any contractual option permitting the banking entity to exit the illiquid fund if and when such option becomes available. A banking entity may elect not to exercise an option described in the preceding sentence, to the extent that the maintenance of an investment would be permitted under paragraph (2).

''(iii) EXTENSION.—

''(I) APPROVAL REQUIRED.—If a contractual obligation of a banking entity described in clause (i) extends beyond the 4-year period beginning on the date of enactment of this section, the banking entity may not continue to make the investment required under the contractual obligation without the prior written approval of the Board. In determining whether to grant an extension under this clause, the Board shall evaluate whether the proposed investment meets the requirements of this subparagraph.

''(II) TIME LIMIT ON APPROVAL.—The Board may approve an investment described in subclause (I) for a period of not longer than 2 years for each extension.

''(III) LIMIT ON NUMBER OF APPROVALS.—The Board may not approve an investment described in subclause (I) more than 3 times.

''(iv) DIVESTITURE REQUIRED.—Except as otherwise permitted under subsection (d), no banking entity may engage in any activity prohibited under subsection (a)(1)(B) after the earlier of —

''(I) the date on which the contractual obligation to invest in the illiquid fund terminates; and

''(II) the date on which the approval by the Board under clause (iii) expires.

''(4) ADDITIONAL CAPITAL.—Notwithstanding paragraph (2) or (3), on and after the effective date under paragraph (1), the Board may impose additional capital requirements, and any other restrictions, as the Board determines appropriate, on any equity, partnership, or ownership interest in or sponsorship of a hedge fund or private equity fund by a banking entity or nonbank financial company supervised by the Board, including on a case-by-case basis, as the Board determines appropriate.

''(5) RULEMAKING.—Not later than 6 months after the date of enactment of this section, the Board shall issues rules to implement paragraphs (2), (3), and (4).

''(d) PERMITTED ACTIVITIES.—

''(1) IN GENERAL.—Notwithstanding the restrictions in subsection (a), to the extent permitted by any other provision of Federal or State law, and subject to the limitations under paragraph (2) and any restrictions or limitations that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, may determine, the following activities (in this section referred to as 'permitted activities') are permitted:

''(A) The purchase, sale, acquisition, or disposition of obligations of the United States or any agency thereof; obligations, participations, or other instruments of or issued by the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, a Federal Home Loan Bank, the Federal Agricultural Mortgage Corporation, or a Farm Credit System institution chartered under and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), and obligations of any State or of any political subdivision thereof.

''(B) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) in connection with underwriting, market-making, or in facilitation of customer relationships, to the extent that any such activities permitted by this subparagraph are designed to not exceed the reasonably expected near term demands of clients, customers, or counterparties.

''(C) Risk-mitigating hedging activities designed to reduce the specific risks to a banking entity or nonbank financial company supervised by the Board.

''(D) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) on behalf of customers.

''(E) Investments in one or more small business investment companies, as defined in section 102 of the Small Business Investment Act of 1958 (15 U.S.C. 662), or investments designed primarily to promote the public welfare, as provided in paragraph (11) of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24).

''(F) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) by a regulated insurance company directly engaged in the business of insurance for the general account of the company and by any affiliate of such regulated insurance company, provided that such activities by any affiliate are solely for the general account of the regulated insurance company, if—

''(i) the purchase, sale, acquisition, or disposition is conducted in compliance with, and subject to, the insurance company investment laws, regulations, and written guidance of the State or jurisdiction in which each such insurance company is domiciled; and

''(ii) the appropriate Federal banking agencies, after consultation with the Financial Stability Oversight Council and the relevant insurance commissioners of the States and territories of the United States, have not jointly determined, after notice and comment, that a particular law, regulation, or written guidance described in clause (i) is insufficient to protect the safety and soundness of the banking entity or nonbank financial company supervised by the Board, or of the financial stability of the United States.

''(G) Organizing and offering a private equity or hedge fund, including serving as a general partner, managing member, or trustee of the fund and in any manner selecting or controlling (or having employees, officers, directors, or agents who constitute) a majority of the directors, trustees, or management of the fund, including any necessary expenses for the foregoing, only if—

''(i) the banking entity provides bona fide trust, fiduciary, or investment advisory services;

''(ii) the fund is organized and offered only in connection with the provision of bona fide trust, fiduciary, or investment advisory services and only to persons that are customers of such services of the banking entity;

''(iii) the banking entity does not acquire or retain an equity interest, partnership interest, or other ownership interest in the funds;

''(iv) the banking entity does not enter into or otherwise engage in any transaction with the hedge fund or private equity fund that is a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c);

''(v) the obligations or performance of the hedge fund or private equity fund are not guaranteed, assumed, or otherwise covered, directly or indirectly, by the banking entity or any subsidiary or affiliate of the banking entity;

''(vi) the banking entity does not share with the hedge fund or private equity fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name;

''(vii) no director or employee of the banking entity takes or retains an equity interest, partnership interest, or other ownership interest in, except for any director or employee of the banking entity who is directly engaged in providing investment advisory or other services to the hedge fund or private equity fund; and

''(viii) the banking entity complies with any rules of the appropriate Federal banking agencies, the Securities and Exchange Commission, or the Commodity Futures Trading Commission designed to ensure that losses in such hedge fund or private equity fund are borne solely by investors in the fund and not by the banking entity.

''(H) Proprietary trading conducted by a company pursuant to paragraph (9) or (13) of section 4(c), provided that the trading occurs solely outside of the United States and that the banking entity or nonbank financial company supervised by the Board is not directly or indirectly controlled by a United States person.

''(I) The acquisition or retention of any equity, partnership, or other ownership interest in, or the sponsorship of, a hedge fund or a private equity fund by a banking entity or nonbank financial company supervised by the Board pursuant to paragraph (9) or (13) of section 4(c) solely outside of the United States, provided that no ownership interest in such hedge fund or private equity fund is offered for sale or sold to a resident of the United States and that the banking entity or nonbank financial company supervised by the Board is not directly or indirectly controlled by a company that is organized in the United States.

''(J) Such other activity as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission determine through regulation, as provided in subsection (b)(2)(B), would promote and protect the safety and soundness of the banking entity or nonbank financial company supervised by the Board and the financial stability of the United States.

''(2) LIMITATION ON PERMITTED ACTIVITIES.—

''(A) IN GENERAL.—No transaction, class of transactions, or activity may be deemed a permitted activity under paragraph (1) if it—

''(i) would involve or result in a material conflict of interest (as such term shall be defined jointly by rule) between the banking entity or the nonbank financial company supervised by the Board and its clients, customers, or counterparties;

''(ii) would result, directly or indirectly, in an unsafe and unsound exposure by the banking entity or nonbank financial company supervised by the Board to high-risk assets or high-risk trading strategies (as such terms shall be defined jointly by rule);

''(iii) would pose a threat to the safety and soundness of such banking entity or nonbank financial company supervised by the Board; or

''(iv) would pose a threat to the financial stability of the United States.

''(B) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations to implement subparagraph (A), as part of the regulations issued under subsection (b)(2).

''(3) CAPITAL AND QUANTITATIVE LIMITATIONS.—The Board shall adopt rules, as provided under subsection (b)(2), imposing additional capital requirements and quantitative limitations regarding the activities permitted under this section if the Board determines that additional capital and quantitative limitations are appropriate to protect the safety and soundness of the banking entities and nonbank financial companies supervised by the Board engaged in such activities.

''(e) ANTI-EVASION.—

''(1) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations as part of the rulemaking provided for in subsection (b)(2) regarding internal controls and recordkeeping in order to insure compliance with this section.

''(2) TERMINATION OF ACTIVITIES OR INVESTMENT.—Whenever an appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, has reasonable cause to believe that a banking entity or nonbank financial company supervised by the Board under the respective agency's jurisdiction has made an investment or engaged in an activity in a manner that functions as an evasion of the requirements of this section (including through an abuse of any permitted activity) or otherwise violates the restrictions under this section, the appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, shall order, after due notice and opportunity for hearing, the banking entity or nonbank financial company supervised by the Board to terminate the activity and, as relevant, dispose of the investment. Nothing in this subparagraph shall be construed to limit the inherent authority of any Federal agency or State regulatory authority to further restrict any investments or activities under otherwise applicable provisions of law.

''(f) LIMITATIONS ON RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—

''(1) IN GENERAL.—No banking entity that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund may enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c) with the hedge fund or private equity fund.

''(2) TREATMENT AS MEMBER BANK.—A banking entity that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund shall be subject to section 23A and 23B of the Federal Reserve Act (12 U.S.C. 371c–1), as if such person were a member bank and such hedge fund or private equity fund were an affiliate thereof.

''(3) COVERED TRANSACTIONS WITH UNAFFILIATED HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—No banking entity may enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c), with any hedge fund or private equity fund organized and offered by the banking entity or with any hedge fund or private equity fund in which such hedge fund or private equity fund has taken any equity, partnership, or other ownership interest.

''(g) RULES OF CONSTRUCTION.—

''(1) LIMITATION ON CONTRARY AUTHORITY.—Any prohibitions or restrictions under this section shall apply even though such activities may be authorized for a banking entity or a nonbank financial company supervised by the Board under any other provision of law.

''(2) SALE OR SECURITIZATION OF LOANS.—Nothing in this section shall be construed to limit or restrict the ability of a banking entity or nonbank financial company supervised by the Board to sell or securitize loans in a manner otherwise permitted by law.

''(3) AUTHORITY OF FEDERAL AGENCIES AND STATE REGULATORY AUTHORITIES.—Nothing in this section shall be construed to limit the inherent authority of any Federal agency or State regulatory authority under otherwise applicable provisions of law.

''(h) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) BANKING ENTITY.—The term 'banking entity' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, and any affiliate or subsidiary of any such entity. For purposes of this paragraph, the term 'insured depository institution' does not include an institution that functions solely in a trust or fiduciary capacity, if—

''(A) all or substantially all of the deposits of such institution are in trust funds and are received in a bona fide fiduciary capacity;

''(B) no deposits of such institution which are insured by the Federal Deposit Insurance Corporation are offered or marketed by or through an affiliate of such institution;

''(C) such institution does not accept demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties or others or make commercial loans; and

''(D) such institution does not—

''(i) obtain payment or payment related services from any Federal Reserve bank, including any service referred to in section 11(a) of the Federal Reserve Act (12 U.S.C. 248a); or

''(ii) exercise discount or borrowing privileges pursuant to section 19(b)(7) of the Federal Reserve Act (12 U.S.C. 461(b)(7)).

''(2) HEDGE FUND; PRIVATE EQUITY FUND.—The terms 'hedge fund' and 'private equity fund' mean a company or other entity that is exempt from registration as an investment company pursuant to section 3(c)(1) or 3(c)(7) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(1) or 80a–3(c)(7)), or such similar funds as jointly determined appropriate by the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.

''(3) NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD.—The term 'nonbank financial company supervised by the Board' means a nonbank financial company supervised by the Board of Governors, as defined in section 102 of the Financial Stability Act of 2010.

''(4) PROPRIETARY TRADING.—The term 'proprietary trading' means engaging as a principal for its own trading account in any transaction to purchase or sell, or otherwise acquire or dispose of, any security, any derivative, any contract of sale of a commodity for future delivery, any option on any such security, derivative, or contract, or any other security or financial instrument that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may jointly, by rule, determine.

''(5) SPONSOR.—The term to 'sponsor' a fund means—

''(A) to serve as a general partner, managing member, or trustee of a fund;

''(B) in any manner to select or to control (or to have employees, officers, or directors, or agents who constitute) a majority of the directors, trustees, or management of a fund; or

''(C) to share with a fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name.

''(6) TRADING ACCOUNT.—The term 'trading account' means any account used for acquiring or taking positions in the securities and instruments described in paragraph (4) principally for the purpose of selling in the near term (or otherwise with the intent to resell in order to profit from short-term price movements), and any such other accounts as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may jointly, by rule, determine.''.

SEC. __. CONFLICTS OF INTEREST.

The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 27A the following:

''SEC. 27B. CONFLICTS OF INTEREST RELATING TO CERTAIN SECURITIZATIONS.

''(a) IN GENERAL.—An underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, of an asset-backed security (as such term is defined in section 3 of the Securities and Exchange Act of 1934 (15 U.S.C. 78c), which for the purposes of this section shall include a synthetic asset-backed security), shall not, during such period as the asset-backed security is outstanding or such lesser period as the Commission determines is appropriate, engage in any transaction that would involve or result in any material conflict of interest with respect to any investor in a transaction arising out of such activity.

''(b) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules for the purpose of implementing subsection (a) including any appropriate disclosures or other measures.

''(c) EXCEPTION.—The prohibitions of subsection (a) shall not apply to risk-mitigating hedging activities in connection with positions or holdings arising out of the underwriting, placement, initial purchase, or sponsorship of an asset-backed security, provided that such activities are designed to reduce the specific risks to the underwriter, placement agent, initial purchaser, or sponsor associated with positions or holdings arising out of such underwriting, placement, initial purchase, or sponsorship. This subsection shall not otherwise limit the application of section 15G of the Securities Exchange Act of 1934.''.

SA 4127. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4081 submitted by Mr. HATCH and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

Notwithstanding any other provision of this Act, section 619 of this act shall have no

force or effect, and the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by adding at the end the following:

"SEC. 13. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

''(a) IN GENERAL.—

''(1) PROHIBITION.—Unless otherwise provided in this section, a banking entity shall not—

''(A) engage in proprietary trading; or

''(B) acquire or retain any equity, partnership, or other ownership interest in or sponsor a hedge fund or a private equity fund.

''(2) NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD.—Any nonbank financial company supervised by the Board that engages in proprietary trading or takes or retains any equity, partnership, or other ownership interest in or sponsors a hedge fund or a private equity fund shall be subject by the Board to additional capital requirements for and additional quantitative limits with regards to such proprietary trading and taking or retaining any equity, partnership, or other ownership interest in or sponsorship of a hedge fund or a private equity fund, except that permitted activities as described in subsection (d) shall be subject to additional capital and additional quantitative limits as prescribed pursuant to subsection (d)(3).

''(b) STUDY AND RULEMAKING.—

''(1) STUDY.—Not later than 6 months after the date of enactment of this section, the Financial Stability Oversight Council shall study and make recommendations on implementing the provisions of this section so as to—

''(A) promote and enhance the safety and soundness of banking entities;

''(B) protect taxpayers and enhance financial stability by minimizing the risk that insured depository institutions and the affiliates of insured depository institutions will engage in unsafe and unsound activities;

''(C) limit the inappropriate transfer of Federal subsidies from institutions that benefit from deposit insurance and liquidity facilities of the Federal Government to unregulated entities;

''(D) reduce conflicts of interest between the self-interest of banking entities and nonbank financial companies supervised by the Board, and the interests of the customers of such entities and companies;

''(E) limit activities that have caused undue risk or loss in banking entities and nonbank financial companies supervised by the Board, or that might reasonably be expected to create undue risk or loss in such banking entities and nonbank financial companies supervised by the Board;

''(F) appropriately accommodate the business of insurance within an insurance company subject to regulation in accordance with the relevant insurance company investment laws while protecting the safety and soundness of any banking entity with which such insurance company is affiliated, and of the United States financial system; and

''(G) appropriately time the divestiture of illiquid assets that are affected by the implementation of the prohibitions under subsection (a).

''(2) RULEMAKING.—

''(A) IN GENERAL.—Not later than 9 months after the completion of the study under paragraph (1), the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, (unless otherwise provided in this section) shall consider the findings of the study under paragraph (1) and adopt rules to carry out this section, as provided in subparagraph (B).

''(B) COORDINATED RULEMAKING.—

''(i) REGULATORY AUTHORITY.—The regulations issued under this paragraph and subsections (d) and (e) shall be issued by—

''(I) the appropriate Federal banking agencies, jointly, with respect to insured depository institutions;

''(II) the Board, with respect to any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, any subsidiary of such a company (other than a subsidiary described in subparagraph (A) or (C)), and any nonbank financial company supervised by the Board;

''(III) the Commodity Futures Trading Commission, with respect to any entity for which the Commodity Futures Trading Commission is the primary financial regulatory agency, as defined in section 2 of the Restoring American Financial Stability Act of 2010; and

''(IV) the Securities and Exchange Commission, with respect to any entity for which the Securities and Exchange Commission is the primary financial regulatory agency, as defined in section 2 of the Restoring American Financial Stability Act of 2010.

''(ii) COORDINATION, CONSISTENCY, AND COMPARABILITY.—In developing and issuing regulations pursuant to this section, the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall consult and coordinate with each other, as appropriate, for the purposes of assuring, to the extent possible, that such regulations are comparable and provide for consistent application and implementation of the applicable provisions of this section to avoid providing advantages or imposing disadvantages to the companies affected by this subsection and to protect the safety and soundness of banking entities and nonbank financial companies supervised by the Board.

''(iii) COUNCIL ROLE.—The Chairperson of the Council shall be responsible for coordination of the regulations issued under this section.

''(c) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), this section shall take effect on the earlier of—

''(A) 12 months after the issuance of final rules under subsection (b); or

''(B) 2 years after the date of enactment of this section.

''(2) TRANSITION PERIOD FOR DIVESTITURE OF HEDGE FUNDS OR PRIVATE EQUITY FUNDS BY BANKING ENTITIES.—

''(A) NO NEW INVESTMENTS.—

''(i) NO NEW FUNDS.—On and after the date of enactment of this section, a banking entity may not sponsor or invest in a hedge fund or private equity fund that the banking entity did not sponsor or in which the banking entity was not invested on May 1, 2010.

''(ii) NO ADDITIONAL CAPITAL OR ASSETS.—On and after the date of enactment of this section, a banking entity may not sell, transfer, loan, or otherwise provide any additional capital or assets to a hedge fund or private equity fund sponsored by the banking entity or in which the banking entity invests, except to the extent necessary to fulfill a contractual obligation that was in effect on May 1, 2010.

''(B) REDUCTION OF EXISTING INVESTMENTS.—Except as provided in paragraph (3), on and after the date that is 2 years after the effective date of this section, the aggregate amount of equity, partnership, or other ownership interests in all hedge funds and private equity funds held by a banking entity shall not exceed 2 percent of the Tier I capital of the banking entity.

''(C) TOTAL DIVESTITURE.—On and after the date that is 5 years after the effective date of this section, no banking entity may engage in any activity prohibited under subsection (a)(1)(B), except as provided in paragraph (3).

''(3) TRANSITION PERIOD FOR ILLIQUID FUNDS.—

''(A) DEFINITION.—In this paragraph, the term 'illiquid fund' means a hedge fund or private equity fund that, as of May 1, 2010, was principally invested in or is invested in illiquid assets, and committed to principally invest in illiquid assets, such as portfolio companies, real estate investments, and venture capital investments, and that maintains the investment strategy of the fund that was in place as of May 1, 2010, regarding principally investing in illiquid assets. In issuing rules under this subparagraph, the Board shall take into consideration the terms of investment for the hedge fund or private equity fund, including contractual obligations, the ability of the fund to divest of assets held by the fund, and any other factors that the Board determines are appropriate.

''(B) TRANSITION.—

''(i) IN GENERAL.—During the 4-year period beginning on the date of enactment of this section, a banking entity may only take an equity, partnership, or ownership interest in, or otherwise provide additional capital to, an illiquid fund to the extent necessary to fulfill a contractual obligation of the banking entity to the illiquid fund that was in effect on May 1, 2010.

''(ii) LIMITATIONS.—A banking entity may not exercise an option to renew, or otherwise extend the duration of, any contractual obligation described in clause (i) and shall exercise any contractual option permitting the banking entity to exit the illiquid fund if and when such option becomes available. A banking entity may elect not to exercise an option described in the preceding sentence, to the extent that the maintenance of an investment would be permitted under paragraph (2).

''(iii) EXTENSION.—

''(I) APPROVAL REQUIRED.—If a contractual obligation of a banking entity described in clause (i) extends beyond the 4-year period beginning on the date of enactment of this section, the banking entity may not continue to make the investment required under the contractual obligation without the prior written approval of the Board. In determining whether to grant an extension under this clause, the Board shall evaluate whether the proposed investment meets the requirements of this subparagraph.

''(II) TIME LIMIT ON APPROVAL.—The Board may approve an investment described in subclause (I) for a period of not longer than 2 years for each extension.

''(III) LIMIT ON NUMBER OF APPROVALS.—The Board may not approve an investment described in subclause (I) more than 3 times.

''(iv) DIVESTITURE REQUIRED.—Except as otherwise permitted under subsection (d), no banking entity may engage in any activity prohibited under subsection (a)(1)(B) after the earlier of —

''(I) the date on which the contractual obligation to invest in the illiquid fund terminates; and

''(II) the date on which the approval by the Board under clause (iii) expires.

''(4) ADDITIONAL CAPITAL.—Notwithstanding paragraph (2) or (3), on and after the effective date under paragraph (1), the Board may impose additional capital requirements, and any other restrictions, as the Board determines appropriate, on any equity, partnership, or ownership interest in or sponsorship of a hedge fund or private equity fund by a banking entity or nonbank financial company supervised by the Board, including on a case-by-case basis, as the Board determines appropriate.

''(5) RULEMAKING.—Not later than 6 months after the date of enactment of this section, the Board shall issues rules to implement paragraphs (2), (3), and (4).

''(d) PERMITTED ACTIVITIES.—

''(1) IN GENERAL.—Notwithstanding the restrictions in subsection (a), to the extent permitted by any other provision of Federal or State law, and subject to the limitations under paragraph (2) and any restrictions or limitations that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, may determine, the following activities (in this section referred to as 'permitted activities') are permitted:

''(A) The purchase, sale, acquisition, or disposition of obligations of the United States or any agency thereof; obligations, participations, or other instruments of or issued by the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, a Federal Home Loan Bank, the Federal Agricultural Mortgage Corporation, or a Farm Credit System institution chartered under and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), and obligations of any State or of any political subdivision thereof.

''(B) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) in connection with underwriting, market-making, or in facilitation of customer relationships, to the extent that any such activities permitted by this subparagraph are designed to not exceed the reasonably expected near term demands of clients, customers, or counterparties.

''(C) Risk-mitigating hedging activities designed to reduce the specific risks to a banking entity or nonbank financial company supervised by the Board.

''(D) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) on behalf of customers.

''(E) Investments in one or more small business investment companies, as defined in section 102 of the Small Business Investment Act of 1958 (15 U.S.C. 662), or investments designed primarily to promote the public welfare, as provided in paragraph (11) of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24).

''(F) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) by a regulated insurance company directly engaged in the business of insurance for the general account of the company and by any affiliate of such regulated insurance company, provided that such activities by any affiliate are solely for the general account of the regulated insurance company, if—

''(i) the purchase, sale, acquisition, or disposition is conducted in compliance with, and subject to, the insurance company investment laws, regulations, and written guidance of the State or jurisdiction in which each such insurance company is domiciled; and

''(ii) the appropriate Federal banking agencies, after consultation with the Financial Stability Oversight Council and the relevant insurance commissioners of the States and territories of the United States, have not jointly determined, after notice and comment, that a particular law, regulation, or written guidance described in clause (i) is insufficient to protect the safety and soundness of the banking entity or nonbank financial company supervised by the Board, or of the financial stability of the United States.

''(G) Organizing and offering a private equity or hedge fund, including serving as a general partner, managing member, or trustee of the fund and in any manner selecting or controlling (or having employees, officers, directors, or agents who constitute) a majority of the directors, trustees, or management of the fund, including any necessary expenses for the foregoing, only if—

''(i) the banking entity provides bona fide trust, fiduciary, or investment advisory services;

''(ii) the fund is organized and offered only in connection with the provision of bona fide trust, fiduciary, or investment advisory services and only to persons that are customers of such services of the banking entity;

''(iii) the banking entity does not acquire or retain an equity interest, partnership interest, or other ownership interest in the funds;

''(iv) the banking entity does not enter into or otherwise engage in any transaction with the hedge fund or private equity fund that is a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c);

''(v) the obligations or performance of the hedge fund or private equity fund are not guaranteed, assumed, or otherwise covered, directly or indirectly, by the banking entity or any subsidiary or affiliate of the banking entity;

''(vi) the banking entity does not share with the hedge fund or private equity fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name;

''(vii) no director or employee of the banking entity takes or retains an equity interest, partnership interest, or other ownership interest in, except for any director or employee of the banking entity who is directly engaged in providing investment advisory or other services to the hedge fund or private equity fund; and

''(viii) the banking entity complies with any rules of the appropriate Federal banking agencies, the Securities and Exchange Commission, or the Commodity Futures Trading Commission designed to ensure that losses in such hedge fund or private equity fund are borne solely by investors in the fund and not by the banking entity.

''(H) Proprietary trading conducted by a company pursuant to paragraph (9) or (13) of section 4(c), provided that the trading occurs solely outside of the United States and that the banking entity or nonbank financial company supervised by the Board is not directly or indirectly controlled by a United States person.

''(I) The acquisition or retention of any equity, partnership, or other ownership interest in, or the sponsorship of, a hedge fund or a private equity fund by a banking entity or nonbank financial company supervised by the Board pursuant to paragraph (9) or (13) of section 4(c) solely outside of the United States, provided that no ownership interest in such hedge fund or private equity fund is offered for sale or sold to a resident of the United States and that the banking entity or nonbank financial company supervised by the Board is not directly or indirectly controlled by a company that is organized in the United States.

''(J) Such other activity as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission determine through regulation, as provided in subsection (b)(2)(B), would promote and protect the safety and soundness of the banking entity or nonbank financial company supervised by the Board and the financial stability of the United States.

''(2) LIMITATION ON PERMITTED ACTIVITIES.—

''(A) IN GENERAL.—No transaction, class of transactions, or activity may be deemed a permitted activity under paragraph (1) if it—

''(i) would involve or result in a material conflict of interest (as such term shall be defined jointly by rule) between the banking entity or the nonbank financial company supervised by the Board and its clients, customers, or counterparties;

''(ii) would result, directly or indirectly, in an unsafe and unsound exposure by the banking entity or nonbank financial company supervised by the Board to high-risk assets or high-risk trading strategies (as such terms shall be defined jointly by rule);

''(iii) would pose a threat to the safety and soundness of such banking entity or nonbank financial company supervised by the Board; or

''(iv) would pose a threat to the financial stability of the United States.

''(B) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations to implement subparagraph (A), as part of the regulations issued under subsection (b)(2).

''(3) CAPITAL AND QUANTITATIVE LIMITATIONS.—The Board shall adopt rules, as provided under subsection (b)(2), imposing additional capital requirements and quantitative limitations regarding the activities permitted under this section if the Board determines that additional capital and quantitative limitations are appropriate to protect the safety and soundness of the banking entities and nonbank financial companies supervised by the Board engaged in such activities.

''(e) ANTI-EVASION.—

''(1) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations as part of the rulemaking provided for in subsection (b)(2) regarding internal controls and recordkeeping in order to insure compliance with this section.

''(2) TERMINATION OF ACTIVITIES OR INVESTMENT.—Whenever an appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, has reasonable cause to believe that a banking entity or nonbank financial company supervised by the Board under the respective agency's jurisdiction has made an investment or engaged in an activity in a manner that functions as an evasion of the requirements of this section (including through an abuse of any permitted activity) or otherwise violates the restrictions under this section, the appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, shall order, after due notice and opportunity for hearing, the banking entity or nonbank financial company supervised by the Board to terminate the activity and, as relevant, dispose of the investment. Nothing in this subparagraph shall be construed to limit the inherent authority of any Federal agency or State regulatory authority to further restrict any investments or activities under otherwise applicable provisions of law.

''(f) LIMITATIONS ON RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—

''(1) IN GENERAL.—No banking entity that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund may enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c) with the hedge fund or private equity fund.

''(2) TREATMENT AS MEMBER BANK.—A banking entity that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity

fund shall be subject to section 23A and 23B of the Federal Reserve Act (12 U.S.C. 371c–1), as if such person were a member bank and such hedge fund or private equity fund were an affiliate thereof.

''(3) COVERED TRANSACTIONS WITH UNAFFILIATED HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—No banking entity may enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c), with any hedge fund or private equity fund organized and offered by the banking entity or with any hedge fund or private equity fund in which such hedge fund or private equity fund has taken any equity, partnership, or other ownership interest.

''(g) RULES OF CONSTRUCTION.—

''(1) LIMITATION ON CONTRARY AUTHORITY.—Any prohibitions or restrictions under this section shall apply even though such activities may be authorized for a banking entity or a nonbank financial company supervised by the Board under any other provision of law.

''(2) SALE OR SECURITIZATION OF LOANS.—Nothing in this section shall be construed to limit or restrict the ability of a banking entity or nonbank financial company supervised by the Board to sell or securitize loans in a manner otherwise permitted by law.

''(3) AUTHORITY OF FEDERAL AGENCIES AND STATE REGULATORY AUTHORITIES.—Nothing in this section shall be construed to limit the inherent authority of any Federal agency or State regulatory authority under otherwise applicable provisions of law.

''(h) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) BANKING ENTITY.—The term 'banking entity' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, and any affiliate or subsidiary of any such entity. For purposes of this paragraph, the term 'insured depository institution' does not include an institution that functions solely in a trust or fiduciary capacity, if—

''(A) all or substantially all of the deposits of such institution are in trust funds and are received in a bona fide fiduciary capacity;

''(B) no deposits of such institution which are insured by the Federal Deposit Insurance Corporation are offered or marketed by or through an affiliate of such institution;

''(C) such institution does not accept demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties or others or make commercial loans; and

''(D) such institution does not—

''(i) obtain payment or payment related services from any Federal Reserve bank, including any service referred to in section 11(a) of the Federal Reserve Act (12 U.S.C. 248a); or

''(ii) exercise discount or borrowing privileges pursuant to section 19(b)(7) of the Federal Reserve Act (12 U.S.C. 461(b)(7)).

''(2) HEDGE FUND; PRIVATE EQUITY FUND.—The terms 'hedge fund' and 'private equity fund' mean a company or other entity that is exempt from registration as an investment company pursuant to section 3(c)(1) or 3(c)(7) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(1) or 80a–3(c)(7)), or such similar funds as jointly determined appropriate by the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.

''(3) NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD.—The term 'nonbank financial company supervised by the Board' means a nonbank financial company supervised by the Board of Governors, as defined in section 102 of the Financial Stability Act of 2010.

''(4) PROPRIETARY TRADING.—The term 'proprietary trading' means engaging as a principal for its own trading account in any transaction to purchase or sell, or otherwise acquire or dispose of, any security, any derivative, any contract of sale of a commodity for future delivery, any option on any such security, derivative, or contract, or any other security or financial instrument that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may jointly, by rule, determine.

''(5) SPONSOR.—The term to 'sponsor' a fund means—

''(A) to serve as a general partner, managing member, or trustee of a fund;

''(B) in any manner to select or to control (or to have employees, officers, or directors, or agents who constitute) a majority of the directors, trustees, or management of a fund; or

''(C) to share with a fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name.

''(6) TRADING ACCOUNT.—The term 'trading account' means any account used for acquiring or taking positions in the securities and instruments described in paragraph (4) principally for the purpose of selling in the near term (or otherwise with the intent to resell in order to profit from short-term price movements), and any such other accounts as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may jointly, by rule, determine.''.

SEC. (i). CONFLICTS OF INTEREST.

The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 27A the following:

''SEC. 27B. CONFLICTS OF INTEREST RELATING TO CERTAIN SECURITIZATIONS.

''(a) IN GENERAL.—An underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, of an asset-backed security (as such term is defined in section 3 of the Securities and Exchange Act of 1934 (15 U.S.C. 78c), which for the purposes of this section shall include a synthetic asset-backed security), shall not, during such period as the asset-backed security is outstanding or such lesser period as the Commission determines is appropriate, engage in any transaction that would involve or result in any material conflict of interest with respect to any investor in a transaction arising out of such activity.

''(b) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules for the purpose of implementing subsection (a) including any appropriate disclosures or other measures.

''(c) EXCEPTION.—The prohibitions of subsection (a) shall not apply to risk-mitigating hedging activities in connection with positions or holdings arising out of the underwriting, placement, initial purchase, or sponsorship of an asset-backed security, provided that such activities are designed to reduce the specific risks to the underwriter, placement agent, initial purchaser, or sponsor associated with positions or holdings arising out of such underwriting, placement, initial purchase, or sponsorship. This subsection shall not otherwise limit the application of section 15G of the Securities Exchange Act of 1934.''.

SA 4128. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4055 submitted by Mrs. HUTCHISON (for herself, Mrs. HAGAN, and Mr. CORNYN) and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

Notwithstanding any other provision of this Act, section 619 of this act shall have no force or effect, and the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by adding at the end the following:

''SEC. 13. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

''(a) IN GENERAL.—

''(1) PROHIBITION.—Unless otherwise provided in this section, a banking entity shall not—

''(A) engage in proprietary trading; or

''(B) acquire or retain any equity, partnership, or other ownership interest in or sponsor a hedge fund or a private equity fund.

''(2) NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD.—Any nonbank financial company supervised by the Board that engages in proprietary trading or takes or retains any equity, partnership, or other ownership interest in or sponsors a hedge fund or a private equity fund shall be subject by the Board to additional capital requirements for and additional quantitative limits with regards to such proprietary trading and taking or retaining any equity, partnership, or other ownership interest in or sponsorship of a hedge fund or a private equity fund, except that permitted activities as described in subsection (d) shall be subject to additional capital and additional quantitative limits as prescribed pursuant to subsection (d)(3).

''(b) STUDY AND RULEMAKING.—

''(1) STUDY.—Not later than 6 months after the date of enactment of this section, the Financial Stability Oversight Council shall study and make recommendations on implementing the provisions of this section so as to—

''(A) promote and enhance the safety and soundness of banking entities;

''(B) protect taxpayers and enhance financial stability by minimizing the risk that insured depository institutions and the affiliates of insured depository institutions will engage in unsafe and unsound activities;

''(C) limit the inappropriate transfer of Federal subsidies from institutions that benefit from deposit insurance and liquidity facilities of the Federal Government to unregulated entities;

''(D) reduce conflicts of interest between the self-interest of banking entities and nonbank financial companies supervised by the Board, and the interests of the customers of such entities and companies;

''(E) limit activities that have caused undue risk or loss in banking entities and nonbank financial companies supervised by the Board, or that might reasonably be expected to create undue risk or loss in such banking entities and nonbank financial companies supervised by the Board;

''(F) appropriately accommodate the business of insurance within an insurance company subject to regulation in accordance with the relevant insurance company investment laws while protecting the safety and soundness of any banking entity with which such insurance company is affiliated, and of the United States financial system; and

''(G) appropriately time the divestiture of illiquid assets that are affected by the implementation of the prohibitions under subsection (a).

''(2) RULEMAKING.—

''(A) IN GENERAL.—Not later than 9 months after the completion of the study under paragraph (1), the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, (unless otherwise provided in this section) shall consider the findings of the study under paragraph (1) and adopt rules to carry out this section, as provided in subparagraph (B).

''(B) COORDINATED RULEMAKING.—

''(i) REGULATORY AUTHORITY.—The regulations issued under this paragraph and subsections (d) and (e) shall be issued by—

''(I) the appropriate Federal banking agencies, jointly, with respect to insured depository institutions;

''(II) the Board, with respect to any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, any subsidiary of such a company (other than a subsidiary described in subparagraph (A) or (C)), and any nonbank financial company supervised by the Board;

''(III) the Commodity Futures Trading Commission, with respect to any entity for which the Commodity Futures Trading Commission is the primary financial regulatory agency, as defined in section 2 of the Restoring American Financial Stability Act of 2010; and

''(IV) the Securities and Exchange Commission, with respect to any entity for which the Securities and Exchange Commission is the primary financial regulatory agency, as defined in section 2 of the Restoring American Financial Stability Act of 2010.

''(ii) COORDINATION, CONSISTENCY, AND COMPARABILITY.—In developing and issuing regulations pursuant to this section, the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall consult and coordinate with each other, as appropriate, for the purposes of assuring, to the extent possible, that such regulations are comparable and provide for consistent application and implementation of the applicable provisions of this section to avoid providing advantages or imposing disadvantages to the companies affected by this subsection and to protect the safety and soundness of banking entities and nonbank financial companies supervised by the Board.

''(iii) COUNCIL ROLE.—The Chairperson of the Council shall be responsible for coordination of the regulations issued under this section.

''(c) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), this section shall take effect on the earlier of—

''(A) 12 months after the issuance of final rules under subsection (b); or

''(B) 2 years after the date of enactment of this section.

''(2) TRANSITION PERIOD FOR DIVESTITURE OF HEDGE FUNDS OR PRIVATE EQUITY FUNDS BY BANKING ENTITIES.—

''(A) NO NEW INVESTMENTS.—

''(i) NO NEW FUNDS.—On and after the date of enactment of this section, a banking entity may not sponsor or invest in a hedge fund or private equity fund that the banking entity did not sponsor or in which the banking entity was not invested on May 1, 2010.

''(ii) NO ADDITIONAL CAPITAL OR ASSETS.—On and after the date of enactment of this section, a banking entity may not sell, transfer, loan, or otherwise provide any additional capital or assets to a hedge fund or private equity fund sponsored by the banking entity or in which the banking entity invests, except to the extent necessary to fulfill a contractual obligation that was in effect on May 1, 2010.

''(B) REDUCTION OF EXISTING INVESTMENTS.—Except as provided in paragraph (3), on and after the date that is 2 years after the effective date of this section, the aggregate amount of equity, partnership, or other ownership interests in all hedge funds and private equity funds held by a banking entity shall not exceed 2 percent of the Tier I capital of the banking entity.

''(C) TOTAL DIVESTITURE.—On and after the date that is 5 years after the effective date of this section, no banking entity may engage in any activity prohibited under subsection (a)(1)(B), except as provided in paragraph (3).

''(3) TRANSITION PERIOD FOR ILLIQUID FUNDS.—

''(A) DEFINITION.—In this paragraph, the term 'illiquid fund' means a hedge fund or private equity fund that, as of May 1, 2010, was principally invested in or is invested in illiquid assets, and committed to principally invest in illiquid assets, such as portfolio companies, real estate investments, and venture capital investments, and that maintains the investment strategy of the fund that was in place as of May 1, 2010, regarding principally investing in illiquid assets. In issuing rules under this subparagraph, the Board shall take into consideration the terms of investment for the hedge fund or private equity fund, including contractual obligations, the ability of the fund to divest of assets held by the fund, and any other factors that the Board determines are appropriate.

''(B) TRANSITION.—

''(i) IN GENERAL.—During the 4-year period beginning on the date of enactment of this section, a banking entity may only take an equity, partnership, or ownership interest in, or otherwise provide additional capital to, an illiquid fund to the extent necessary to fulfill a contractual obligation of the banking entity to the illiquid fund that was in effect on May 1, 2010.

''(ii) LIMITATIONS.—A banking entity may not exercise an option to renew, or otherwise extend the duration of, any contractual obligation described in clause (i) and shall exercise any contractual option permitting the banking entity to exit the illiquid fund if and when such option becomes available. A banking entity may elect not to exercise an option described in the preceding sentence, to the extent that the maintenance of an investment would be permitted under paragraph (2).

''(iii) EXTENSION.—

''(I) APPROVAL REQUIRED.—If a contractual obligation of a banking entity described in clause (i) extends beyond the 4-year period beginning on the date of enactment of this section, the banking entity may not continue to make the investment required under the contractual obligation without the prior written approval of the Board. In determining whether to grant an extension under this clause, the Board shall evaluate whether the proposed investment meets the requirements of this subparagraph.

''(II) TIME LIMIT ON APPROVAL.—The Board may approve an investment described in subclause (I) for a period of not longer than 2 years for each extension.

''(III) LIMIT ON NUMBER OF APPROVALS.—The Board may not approve an investment described in subclause (I) more than 3 times.

''(iv) DIVESTITURE REQUIRED.—Except as otherwise permitted under subsection (d), no banking entity may engage in any activity prohibited under subsection (a)(1)(B) after the earlier of —

''(I) the date on which the contractual obligation to invest in the illiquid fund terminates; and

''(II) the date on which the approval by the Board under clause (iii) expires.

''(4) ADDITIONAL CAPITAL.—Notwithstanding paragraph (2) or (3), on and after the effective date under paragraph (1), the Board may impose additional capital requirements, and any other restrictions, as the Board determines appropriate, on any equity, partnership, or ownership interest in or sponsorship of a hedge fund or private equity fund by a banking entity or nonbank financial company supervised by the Board, including on a case-by-case basis, as the Board determines appropriate.

''(5) RULEMAKING.—Not later than 6 months after the date of enactment of this section, the Board shall issues rules to implement paragraphs (2), (3), and (4).

''(d) PERMITTED ACTIVITIES.—

''(1) IN GENERAL.—Notwithstanding the restrictions in subsection (a), to the extent permitted by any other provision of Federal or State law, and subject to the limitations under paragraph (2) and any restrictions or limitations that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, may determine, the following activities (in this section referred to as 'permitted activities') are permitted:

''(A) The purchase, sale, acquisition, or disposition of obligations of the United States or any agency thereof; obligations, participations, or other instruments of or issued by the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, a Federal Home Loan Bank, the Federal Agricultural Mortgage Corporation, or a Farm Credit System institution chartered under and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), and obligations of any State or of any political subdivision thereof.

''(B) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) in connection with underwriting, market-making, or in facilitation of customer relationships, to the extent that any such activities permitted by this subparagraph are designed to not exceed the reasonably expected near term demands of clients, customers, or counterparties.

''(C) Risk-mitigating hedging activities designed to reduce the specific risks to a banking entity or nonbank financial company supervised by the Board.

''(D) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) on behalf of customers.

''(E) Investments in one or more small business investment companies, as defined in section 102 of the Small Business Investment Act of 1958 (15 U.S.C. 662), or investments designed primarily to promote the public welfare, as provided in paragraph (11) of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24).

''(F) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) by a regulated insurance company directly engaged in the business of insurance for the general account of the company and by any affiliate of such regulated insurance company, provided that

such activities by any affiliate are solely for the general account of the regulated insurance company, if—

''(i) the purchase, sale, acquisition, or disposition is conducted in compliance with, and subject to, the insurance company investment laws, regulations, and written guidance of the State or jurisdiction in which each such insurance company is domiciled; and

''(ii) the appropriate Federal banking agencies, after consultation with the Financial Stability Oversight Council and the relevant insurance commissioners of the States and territories of the United States, have not jointly determined, after notice and comment, that a particular law, regulation, or written guidance described in clause (i) is insufficient to protect the safety and soundness of the banking entity or nonbank financial company supervised by the Board, or of the financial stability of the United States.

''(G) Organizing and offering a private equity or hedge fund, including serving as a general partner, managing member, or trustee of the fund and in any manner selecting or controlling (or having employees, officers, directors, or agents who constitute) a majority of the directors, trustees, or management of the fund, including any necessary expenses for the foregoing, only if—

''(i) the banking entity provides bona fide trust, fiduciary, or investment advisory services;

''(ii) the fund is organized and offered only in connection with the provision of bona fide trust, fiduciary, or investment advisory services and only to persons that are customers of such services of the banking entity;

''(iii) the banking entity does not acquire or retain an equity interest, partnership interest, or other ownership interest in the funds;

''(iv) the banking entity does not enter into or otherwise engage in any transaction with the hedge fund or private equity fund that is a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c);

''(v) the obligations or performance of the hedge fund or private equity fund are not guaranteed, assumed, or otherwise covered, directly or indirectly, by the banking entity or any subsidiary or affiliate of the banking entity;

''(vi) the banking entity does not share with the hedge fund or private equity fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name;

''(vii) no director or employee of the banking entity takes or retains an equity interest, partnership interest, or other ownership interest in, except for any director or employee of the banking entity who is directly engaged in providing investment advisory or other services to the hedge fund or private equity fund; and

''(viii) the banking entity complies with any rules of the appropriate Federal banking agencies, the Securities and Exchange Commission, or the Commodity Futures Trading Commission designed to ensure that losses in such hedge fund or private equity fund are borne solely by investors in the fund and not by the banking entity.

''(H) Proprietary trading conducted by a company pursuant to paragraph (9) or (13) of section 4(c), provided that the trading occurs solely outside of the United States and that the banking entity or nonbank financial company supervised by the Board is not directly or indirectly controlled by a United States person.

''(I) The acquisition or retention of any equity, partnership, or other ownership interest in, or the sponsorship of, a hedge fund or a private equity fund by a banking entity or nonbank financial company supervised by the Board pursuant to paragraph (9) or (13) of section 4(c) solely outside of the United States, provided that no ownership interest in such hedge fund or private equity fund is offered for sale or sold to a resident of the United States and that the banking entity or nonbank financial company supervised by the Board is not directly or indirectly controlled by a company that is organized in the United States.

''(J) Such other activity as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission determine through regulation, as provided in subsection (b)(2)(B), would promote and protect the safety and soundness of the banking entity or nonbank financial company supervised by the Board and the financial stability of the United States.

''(2) LIMITATION ON PERMITTED ACTIVITIES.—

''(A) IN GENERAL.—No transaction, class of transactions, or activity may be deemed a permitted activity under paragraph (1) if it—

''(i) would involve or result in a material conflict of interest (as such term shall be defined jointly by rule) between the banking entity or the nonbank financial company supervised by the Board and its clients, customers, or counterparties;

''(ii) would result, directly or indirectly, in an unsafe and unsound exposure by the banking entity or nonbank financial company supervised by the Board to high-risk assets or high-risk trading strategies (as such terms shall be defined jointly by rule);

''(iii) would pose a threat to the safety and soundness of such banking entity or nonbank financial company supervised by the Board; or

''(iv) would pose a threat to the financial stability of the United States.

''(B) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations to implement subparagraph (A), as part of the regulations issued under subsection (b)(2).

''(3) CAPITAL AND QUANTITATIVE LIMITATIONS.—The Board shall adopt rules, as provided under subsection (b)(2), imposing additional capital requirements and quantitative limitations regarding the activities permitted under this section if the Board determines that additional capital and quantitative limitations are appropriate to protect the safety and soundness of the banking entities and nonbank financial companies supervised by the Board engaged in such activities.

''(e) ANTI-EVASION.—

''(1) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations as part of the rulemaking provided for in subsection (b)(2) regarding internal controls and recordkeeping in order to insure compliance with this section.

''(2) TERMINATION OF ACTIVITIES OR INVESTMENT.—Whenever an appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, has reasonable cause to believe that a banking entity or nonbank financial company supervised by the Board under the respective agency's jurisdiction has made an investment or engaged in an activity in a manner that functions as an evasion of the requirements of this section (including through an abuse of any permitted activity) or otherwise violates the restrictions under this section, the appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, shall order, after due notice and opportunity for hearing, the banking entity or nonbank financial company supervised by the Board to terminate the activity and, as relevant, dispose of the investment. Nothing in this subparagraph shall be construed to limit the inherent authority of any Federal agency or State regulatory authority to further restrict any investments or activities under otherwise applicable provisions of law.

''(f) LIMITATIONS ON RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—

''(1) IN GENERAL.—No banking entity that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund may enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c) with the hedge fund or private equity fund.

''(2) TREATMENT AS MEMBER BANK.—A banking entity that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund shall be subject to sections 23A and 23B of the Federal Reserve Act (12 U.S.C. 371c–1), as if such person were a member bank and such hedge fund or private equity fund were an affiliate thereof.

''(3) COVERED TRANSACTIONS WITH UNAFFILIATED HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—No banking entity may enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c), with any hedge fund or private equity fund organized and offered by the banking entity or with any hedge fund or private equity fund in which such hedge fund or private equity fund has taken any equity, partnership, or other ownership interest.

''(g) RULES OF CONSTRUCTION.—

''(1) LIMITATION ON CONTRARY AUTHORITY.—Any prohibitions or restrictions under this section shall apply even though such activities may be authorized for a banking entity or a nonbank financial company supervised by the Board under any other provision of law.

''(2) SALE OR SECURITIZATION OF LOANS.—Nothing in this section shall be construed to limit or restrict the ability of a banking entity or nonbank financial company supervised by the Board to sell or securitize loans in a manner otherwise permitted by law.

''(3) AUTHORITY OF FEDERAL AGENCIES AND STATE REGULATORY AUTHORITIES.—Nothing in this section shall be construed to limit the inherent authority of any Federal agency or State regulatory authority under otherwise applicable provisions of law.

''(h) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) BANKING ENTITY.—The term 'banking entity' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, and any affiliate or subsidiary of any such entity. For purposes of this paragraph, the term 'insured depository institution' does not include an institution that functions solely in a trust or fiduciary capacity, if—

''(A) all or substantially all of the deposits of such institution are in trust funds and are received in a bona fide fiduciary capacity;

''(B) no deposits of such institution which are insured by the Federal Deposit Insurance Corporation are offered or marketed by or through an affiliate of such institution;

''(C) such institution does not accept demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties or others or make commercial loans; and

''(D) such institution does not—

''(i) obtain payment or payment related services from any Federal Reserve bank, including any service referred to in section 11(a) of the Federal Reserve Act (12 U.S.C. 248a); or

''(ii) exercise discount or borrowing privileges pursuant to section 19(b)(7) of the Federal Reserve Act (12 U.S.C. 461(b)(7)).

''(2) HEDGE FUND; PRIVATE EQUITY FUND.—The terms 'hedge fund' and 'private equity fund' mean a company or other entity that is exempt from registration as an investment company pursuant to section 3(c)(1) or 3(c)(7) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(1) or 80a–3(c)(7)), or such similar funds as jointly determined appropriate by the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.

''(3) NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD.—The term 'nonbank financial company supervised by the Board' means a nonbank financial company supervised by the Board of Governors, as defined in section 102 of the Financial Stability Act of 2010.

''(4) PROPRIETARY TRADING.—The term 'proprietary trading' means engaging as a principal for its own trading account in any transaction to purchase or sell, or otherwise acquire or dispose of, any security, any derivative, any contract of sale of a commodity for future delivery, any option on any such security, derivative, or contract, or any other security or financial instrument that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may jointly, by rule, determine.

''(5) SPONSOR.—The term to 'sponsor' a fund means—

''(A) to serve as a general partner, managing member, or trustee of a fund;

''(B) in any manner to select or to control (or to have employees, officers, or directors, or agents who constitute) a majority of the directors, trustees, or management of a fund; or

''(C) to share with a fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name.

''(6) TRADING ACCOUNT.—The term 'trading account' means any account used for acquiring or taking positions in the securities and instruments described in paragraph (4) principally for the purpose of selling in the near term (or otherwise with the intent to resell in order to profit from short-term price movements), and any such other accounts as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may jointly, by rule, determine.''.

SEC. __. CONFLICTS OF INTEREST.

The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 27A the following:

''SEC. 27B. CONFLICTS OF INTEREST RELATING TO CERTAIN SECURITIZATIONS.

''(a) IN GENERAL.—An underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, of an asset-backed security (as such term is defined in section 3 of the Securities and Exchange Act of 1934 (15 U.S.C. 78c), which for the purposes of this section shall include a synthetic asset-backed security), shall not, during such period as the asset-backed security is outstanding or such lesser period as the Commission determines is appropriate, engage in any transaction that would involve or result in any material conflict of interest with respect to any investor in a transaction arising out of such activity.

''(b) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules for the purpose of implementing subsection (a) including any appropriate disclosures or other measures.

''(c) EXCEPTION.—The prohibitions of subsection (a) shall not apply to risk-mitigating hedging activities in connection with positions or holdings arising out of the underwriting, placement, initial purchase, or sponsorship of an asset-backed security, provided that such activities are designed to reduce the specific risks to the underwriter, placement agent, initial purchaser, or sponsor associated with positions or holdings arising out of such underwriting, placement, initial purchase, or sponsorship. This subsection shall not otherwise limit the application of section 15G of the Securities Exchange Act of 1934.''.

SA 4129. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4052 submitted by Mr. CORKER and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

Notwithstanding any other provision of this Act, section 619 of this act shall have no force or effect, and the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by adding at the end the following:

''SEC. 13. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

''(a) IN GENERAL.—

''(1) PROHIBITION.—Unless otherwise provided in this section, a banking entity shall not—

''(A) engage in proprietary trading; or

''(B) acquire or retain any equity, partnership, or other ownership interest in or sponsor a hedge fund or a private equity fund.

''(2) NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD.—Any nonbank financial company supervised by the Board that engages in proprietary trading or takes or retains any equity, partnership, or other ownership interest in or sponsors a hedge fund or a private equity fund shall be subject by the Board to additional capital requirements for and additional quantitative limits with regards to such proprietary trading and taking or retaining any equity, partnership, or other ownership interest in or sponsorship of a hedge fund or a private equity fund, except that permitted activities as described in subsection (d) shall be subject to additional capital and additional quantitative limits as prescribed pursuant to subsection (d)(3).

''(b) STUDY AND RULEMAKING.—

''(1) STUDY.—Not later than 6 months after the date of enactment of this section, the Financial Stability Oversight Council shall study and make recommendations on implementing the provisions of this section so as to—

''(A) promote and enhance the safety and soundness of banking entities;

''(B) protect taxpayers and enhance financial stability by minimizing the risk that insured depository institutions and the affiliates of insured depository institutions will engage in unsafe and unsound activities;

''(C) limit the inappropriate transfer of Federal subsidies from institutions that benefit from deposit insurance and liquidity facilities of the Federal Government to unregulated entities;

''(D) reduce conflicts of interest between the self-interest of banking entities and nonbank financial companies supervised by the Board, and the interests of the customers of such entities and companies;

''(E) limit activities that have caused undue risk or loss in banking entities and nonbank financial companies supervised by the Board, or that might reasonably be expected to create undue risk or loss in such banking entities and nonbank financial companies supervised by the Board;

''(F) appropriately accommodate the business of insurance within an insurance company subject to regulation in accordance with the relevant insurance company investment laws while protecting the safety and soundness of any banking entity with which such insurance company is affiliated, and of the United States financial system; and

''(G) appropriately time the divestiture of illiquid assets that are affected by the implementation of the prohibitions under subsection (a).

''(2) RULEMAKING.—

''(A) IN GENERAL.—Not later than 9 months after the completion of the study under paragraph (1), the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, (unless otherwise provided in this section) shall consider the findings of the study under paragraph (1) and adopt rules to carry out this section, as provided in subparagraph (B).

''(B) COORDINATED RULEMAKING.—

''(i) REGULATORY AUTHORITY.—The regulations issued under this paragraph and subsections (d) and (e) shall be issued by—

''(I) the appropriate Federal banking agencies, jointly, with respect to insured depository institutions;

''(II) the Board, with respect to any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, any subsidiary of such a company (other than a subsidiary described in subparagraph (A) or (C)), and any nonbank financial company supervised by the Board;

''(III) the Commodity Futures Trading Commission, with respect to any entity for which the Commodity Futures Trading Commission is the primary financial regulatory agency, as defined in section 2 of the Restoring American Financial Stability Act of 2010; and

''(IV) the Securities and Exchange Commission, with respect to any entity for which the Securities and Exchange Commission is the primary financial regulatory agency, as defined in section 2 of the Restoring American Financial Stability Act of 2010.

''(ii) COORDINATION, CONSISTENCY, AND COMPARABILITY.—In developing and issuing regulations pursuant to this section, the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall consult and coordinate with each other, as appropriate, for the purposes of assuring, to the extent possible, that such regulations are comparable and provide for consistent

application and implementation of the applicable provisions of this section to avoid providing advantages or imposing disadvantages to the companies affected by this subsection and to protect the safety and soundness of banking entities and nonbank financial companies supervised by the Board.

''(iii) COUNCIL ROLE.—The Chairperson of the Council shall be responsible for coordination of the regulations issued under this section.

''(c) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), this section shall take effect on the earlier of—

''(A) 12 months after the issuance of final rules under subsection (b); or

''(B) 2 years after the date of enactment of this section.

''(2) TRANSITION PERIOD FOR DIVESTITURE OF HEDGE FUNDS OR PRIVATE EQUITY FUNDS BY BANKING ENTITIES.—

''(A) NO NEW INVESTMENTS.—

''(i) NO NEW FUNDS.—On and after the date of enactment of this section, a banking entity may not sponsor or invest in a hedge fund or private equity fund that the banking entity did not sponsor or in which the banking entity was not invested on May 1, 2010.

''(ii) NO ADDITIONAL CAPITAL OR ASSETS.—On and after the date of enactment of this section, a banking entity may not sell, transfer, loan, or otherwise provide any additional capital or assets to a hedge fund or private equity fund sponsored by the banking entity or in which the banking entity invests, except to the extent necessary to fulfill a contractual obligation that was in effect on May 1, 2010.

''(B) REDUCTION OF EXISTING INVESTMENTS.—Except as provided in paragraph (3), on and after the date that is 2 years after the effective date of this section, the aggregate amount of equity, partnership, or other ownership interests in all hedge funds and private equity funds held by a banking entity shall not exceed 2 percent of the Tier I capital of the banking entity.

''(C) TOTAL DIVESTITURE.—On and after the date that is 5 years after the effective date of this section, no banking entity may engage in any activity prohibited under subsection (a)(1)(B), except as provided in paragraph (3).

''(3) TRANSITION PERIOD FOR ILLIQUID FUNDS.—

''(A) DEFINITION.—In this paragraph, the term 'illiquid fund' means a hedge fund or private equity fund that, as of May 1, 2010, was principally invested in or is invested in illiquid assets, and commited to principally invest in illiquid assets, such as portfolio companies, real estate investments, and venture capital investments, and that maintains the investment strategy of the fund that was in place as of May 1, 2010, regarding principally investing in illiquid assets. In issuing rules under this subparagraph, the Board shall take into consideration the terms of investment for the hedge fund or private equity fund, including contractual obligations, the ability of the fund to divest of assets held by the fund, and any other factors that the Board determines are appropriate.

''(B) TRANSITION.—

''(i) IN GENERAL.—During the 4-year period beginning on the date of enactment of this section, a banking entity may only take an equity, partnership, or ownership interest in, or otherwise provide additional capital to, an illiquid fund to the extent necessary to fulfill a contractual obligation of the banking entity to the illiquid fund that was in effect on May 1, 2010.

''(ii) LIMITATIONS.—A banking entity may not exercise an option to renew, or otherwise extend the duration of, any contractual obligation described in clause (i) and shall exercise any contractual option permitting the banking entity to exit the illiquid fund if and when such option becomes available. A banking entity may elect not to exercise an option described in the preceding sentence, to the extent that the maintenance of an investment would be permitted under paragraph (2).

''(iii) EXTENSION.—

''(I) APPROVAL REQUIRED.—If a contractual obligation of a banking entity described in clause (i) extends beyond the 4-year period beginning on the date of enactment of this section, the banking entity may not continue to make the investment required under the contractual obligation without the prior written approval of the Board. In determining whether to grant an extension under this clause, the Board shall evaluate whether the proposed investment meets the requirements of this subparagraph.

''(II) TIME LIMIT ON APPROVAL.—The Board may approve an investment described in subclause (I) for a period of not longer than 2 years for each extension.

''(III) LIMIT ON NUMBER OF APPROVALS.—The Board may not approve an investment described in subclause (I) more than 3 times.

''(iv) DIVESTITURE REQUIRED.—Except as otherwise permitted under subsection (d), no banking entity may engage in any activity prohibited under subsection (a)(1)(B) after the earlier of —

''(I) the date on which the contractual obligation to invest in the illiquid fund terminates; and

''(II) the date on which the approval by the Board under clause (iii) expires.

''(4) ADDITIONAL CAPITAL.—Notwithstanding paragraph (2) or (3), on and after the effective date under paragraph (1), the Board may impose additional capital requirements, and any other restrictions, as the Board determines appropriate, on any equity, partnership, or ownership interest in or sponsorship of a hedge fund or private equity fund by a banking entity or nonbank financial company supervised by the Board, including on a case-by-case basis, as the Board determines appropriate.

''(5) RULEMAKING.—Not later than 6 months after the date of enactment of this section, the Board shall issues rules to implement paragraphs (2), (3), and (4).

''(d) PERMITTED ACTIVITIES.—

''(1) IN GENERAL.—Notwithstanding the restrictions in subsection (a), to the extent permitted by any other provision of Federal or State law, and subject to the limitations under paragraph (2) and any restrictions or limitations that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, may determine, the following activities (in this section referred to as 'permitted activities') are permitted:

''(A) The purchase, sale, acquisition, or disposition of obligations of the United States or any agency thereof; obligations, participations, or other instruments of or issued by the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, a Federal Home Loan Bank, the Federal Agricultural Mortgage Corporation, or a Farm Credit System institution chartered under and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), and obligations of any State or of any political subdivision thereof.

''(B) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) in connection with underwriting, market-making, or in facilitation of customer relationships, to the extent that any such activities permitted by this subparagraph are designed to not exceed the reasonably expected near term demands of clients, customers, or counterparties.

''(C) Risk-mitigating hedging activities designed to reduce the specific risks to a banking entity or nonbank financial company supervised by the Board.

''(D) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) on behalf of customers.

''(E) Investments in one or more small business investment companies, as defined in section 102 of the Small Business Investment Act of 1958 (15 U.S.C. 662), or investments designed primarily to promote the public welfare, as provided in paragraph (11) of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24).

''(F) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) by a regulated insurance company directly engaged in the business of insurance for the general account of the company and by any affiliate of such regulated insurance company, provided that such activities by any affiliate are solely for the general account of the regulated insurance company, if—

''(i) the purchase, sale, acquisition, or disposition is conducted in compliance with, and subject to, the insurance company investment laws, regulations, and written guidance of the State or jurisdiction in which each such insurance company is domiciled; and

''(ii) the appropriate Federal banking agencies, after consultation with the Financial Stability Oversight Council and the relevant insurance commissioners of the States and territories of the United States, have not jointly determined, after notice and comment, that a particular law, regulation, or written guidance described in clause (i) is insufficient to protect the safety and soundness of the banking entity or nonbank financial company supervised by the Board, or of the financial stability of the United States.

''(G) Organizing and offering a private equity or hedge fund, including serving as a general partner, managing member, or trustee of the fund and in any manner selecting or controlling (or having employees, officers, directors, or agents who constitute) a majority of the directors, trustees, or management of the fund, including any necessary expenses for the foregoing, only if—

''(i) the banking entity provides bona fide trust, fiduciary, or investment advisory services;

''(ii) the fund is organized and offered only in connection with the provision of bona fide trust, fiduciary, or investment advisory services and only to persons that are customers of such services of the banking entity;

''(iii) the banking entity does not acquire or retain an equity interest, partnership interest, or other ownership interest in the funds;

''(iv) the banking entity does not enter into or otherwise engage in any transaction with the hedge fund or private equity fund that is a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c);

''(v) the obligations or performance of the hedge fund or private equity fund are not guaranteed, assumed, or otherwise covered, directly or indirectly, by the banking entity or any subsidiary or affiliate of the banking entity;

''(vi) the banking entity does not share with the hedge fund or private equity fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name;

''(vii) no director or employee of the banking entity takes or retains an equity interest, partnership interest, or other ownership

interest in, except for any director or employee of the banking entity who is directly engaged in providing investment advisory or other services to the hedge fund or private equity fund; and

''(viii) the banking entity complies with any rules of the appropriate Federal banking agencies, the Securities and Exchange Commission, or the Commodity Futures Trading Commission designed to ensure that losses in such hedge fund or private equity fund are borne solely by investors in the fund and not by the banking entity.

''(H) Proprietary trading conducted by a company pursuant to paragraph (9) or (13) of section 4(c), provided that the trading occurs solely outside of the United States and that the banking entity or nonbank financial company supervised by the Board is not directly or indirectly controlled by a United States person.

''(I) The acquisition or retention of any equity, partnership, or other ownership interest in, or the sponsorship of, a hedge fund or a private equity fund by a banking entity or nonbank financial company supervised by the Board pursuant to paragraph (9) or (13) of section 4(c) solely outside of the United States, provided that no ownership interest in such hedge fund or private equity fund is offered for sale or sold to a resident of the United States and that the banking entity or nonbank financial company supervised by the Board is not directly or indirectly controlled by a company that is organized in the United States.

''(J) Such other activity as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission determine through regulation, as provided in subsection (b)(2)(B), would promote and protect the safety and soundness of the banking entity or nonbank financial company supervised by the Board and the financial stability of the United States.

''(2) LIMITATION ON PERMITTED ACTIVITIES.—

''(A) IN GENERAL.—No transaction, class of transactions, or activity may be deemed a permitted activity under paragraph (1) if it—

''(i) would involve or result in a material conflict of interest (as such term shall be defined jointly by rule) between the banking entity or the nonbank financial company supervised by the Board and its clients, customers, or counterparties;

''(ii) would result, directly or indirectly, in an unsafe and unsound exposure by the banking entity or nonbank financial company supervised by the Board to high-risk assets or high-risk trading strategies (as such terms shall be defined jointly by rule);

''(iii) would pose a threat to the safety and soundness of such banking entity or nonbank financial company supervised by the Board; or

''(iv) would pose a threat to the financial stability of the United States.

''(B) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations to implement subparagraph (A), as part of the regulations issued under subsection (b)(2).

''(3) CAPITAL AND QUANTITATIVE LIMITATIONS.—The Board shall adopt rules, as provided under subsection (b)(2), imposing additional capital requirements and quantitative limitations regarding the activities permitted under this section if the Board determines that additional capital and quantitative limitations are appropriate to protect the safety and soundness of the banking entities and nonbank financial companies supervised by the Board engaged in such activities.

''(e) ANTI-EVASION.—

''(1) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations as part of the rulemaking provided for in subsection (b)(2) regarding internal controls and recordkeeping in order to insure compliance with this section.

''(2) TERMINATION OF ACTIVITIES OR INVESTMENT.—Whenever an appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, has reasonable cause to believe that a banking entity or nonbank financial company supervised by the Board under the respective agency's jurisdiction has made an investment or engaged in an activity in a manner that functions as an evasion of the requirements of this section (including through an abuse of any permitted activity) or otherwise violates the restrictions under this section, the appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, shall order, after due notice and opportunity for hearing, the banking entity or nonbank financial company supervised by the Board to terminate the activity and, as relevant, dispose of the investment. Nothing in this subparagraph shall be construed to limit the inherent authority of any Federal agency or State regulatory authority to further restrict any investments or activities under otherwise applicable provisions of law.

''(f) LIMITATIONS ON RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—

''(1) IN GENERAL.—No banking entity that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund may enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c) with the hedge fund or private equity fund.

''(2) TREATMENT AS MEMBER BANK.—A banking entity that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund shall be subject to section 23A and 23B of the Federal Reserve Act (12 U.S.C. 371c–1), as if such person were a member bank and such hedge fund or private equity fund were an affiliate thereof.

''(3) COVERED TRANSACTIONS WITH UNAFFILIATED HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—No banking entity may enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c), with any hedge fund or private equity fund organized and offered by the banking entity or with any hedge fund or private equity fund in which such hedge fund or private equity fund has taken any equity, partnership, or other ownership interest.

''(g) RULES OF CONSTRUCTION.—

''(1) LIMITATION ON CONTRARY AUTHORITY.—Any prohibitions or restrictions under this section shall apply even though such activities may be authorized for a banking entity or a nonbank financial company supervised by the Board under any other provision of law.

''(2) SALE OR SECURITIZATION OF LOANS.—Nothing in this section shall be construed to limit or restrict the ability of a banking entity or nonbank financial company supervised by the Board to sell or securitize loans in a manner otherwise permitted by law.

''(3) AUTHORITY OF FEDERAL AGENCIES AND STATE REGULATORY AUTHORITIES.—Nothing in this section shall be construed to limit the inherent authority of any Federal agency or State regulatory authority under otherwise applicable provisions of law.

''(h) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) BANKING ENTITY.—The term 'banking entity' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, and any affiliate or subsidiary of any such entity. For purposes of this paragraph, the term 'insured depository institution' does not include an institution that functions solely in a trust or fiduciary capacity, if—

''(A) all or substantially all of the deposits of such institution are in trust funds and are received in a bona fide fiduciary capacity;

''(B) no deposits of such institution which are insured by the Federal Deposit Insurance Corporation are offered or marketed by or through an affiliate of such institution;

''(C) such institution does not accept demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties or others or make commercial loans; and

''(D) such institution does not—

''(i) obtain payment or payment related services from any Federal Reserve bank, including any service referred to in section 11(a) of the Federal Reserve Act (12 U.S.C. 248a); or

''(ii) exercise discount or borrowing privileges pursuant to section 19(b)(7) of the Federal Reserve Act (12 U.S.C. 461(b)(7)).

''(2) HEDGE FUND; PRIVATE EQUITY FUND.—The terms 'hedge fund' and 'private equity fund' mean a company or other entity that is exempt from registration as an investment company pursuant to section 3(c)(1) or 3(c)(7) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(1) or 80a–3(c)(7)), or such similar funds as jointly determined appropriate by the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.

''(3) NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD.—The term 'nonbank financial company supervised by the Board' means a nonbank financial company supervised by the Board of Governors, as defined in section 102 of the Financial Stability Act of 2010.

''(4) PROPRIETARY TRADING.—The term 'proprietary trading' means engaging as a principal for its own trading account in any transaction to purchase or sell, or otherwise acquire or dispose of, any security, any derivative, any contract of sale of a commodity for future delivery, any option on any such security, derivative, or contract, or any other security or financial instrument that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may jointly, by rule, determine.

''(5) SPONSOR.—The term to 'sponsor' a fund means—

''(A) to serve as a general partner, managing member, or trustee of a fund;

''(B) in any manner to select or to control (or to have employees, officers, or directors, or agents who constitute) a majority of the directors, trustees, or management of a fund; or

''(C) to share with a fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name.

''(6) TRADING ACCOUNT.—The term 'trading account' means any account used for acquiring or taking positions in the securities and instruments described in paragraph (4) principally for the purpose of selling in the near term (or otherwise with the intent to resell in order to profit from short-term price movements), and any such other accounts as the appropriate Federal banking agencies,

the Securities and Exchange Commission, and the Commodity Futures Trading Commission may jointly, by rule, determine.''.

SEC. __. CONFLICTS OF INTEREST.

The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 27A the following:

''SEC. 27B. CONFLICTS OF INTEREST RELATING TO CERTAIN SECURITIZATIONS.

''(a) IN GENERAL.—An underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, of an asset-backed security (as such term is defined in section 3 of the Securities and Exchange Act of 1934 (15 U.S.C. 78c), which for the purposes of this section shall include a synthetic asset-backed security), shall not, during such period as the asset-backed security is outstanding or such lesser period as the Commission determines is appropriate, engage in any transaction that would involve or result in any material conflict of interest with respect to any investor in a transaction arising out of such activity.

''(b) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules for the purpose of implementing subsection (a) including any appropriate disclosures or other measures.

''(c) EXCEPTION.—The prohibitions of subsection (a) shall not apply to risk-mitigating hedging activities in connection with positions or holdings arising out of the underwriting, placement, initial purchase, or sponsorship of an asset-backed security, provided that such activities are designed to reduce the specific risks to the underwriter, placement agent, initial purchaser, or sponsor associated with positions or holdings arising out of such underwriting, placement, initial purchase, or sponsorship. This subsection shall not otherwise limit the application of section 15G of the Securities Exchange Act of 1934.''.

SA 4130. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4086 submitted by Ms. CANTWELL (for herself and Mrs. LINCOLN) and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, line ____, of the amendment insert the following:

(c) CONFLICTS OF INTEREST.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 27A the following:

''SEC. 27B. CONFLICTS OF INTEREST RELATING TO CERTAIN SECURITIZATIONS.

''(a) IN GENERAL.—An underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, of an asset-backed security (as such term is defined in section 3 of the Securities and Exchange Act of 1934 (15 U.S.C. 78c), which for the purposes of this section shall include a synthetic asset-backed security), shall not, during such period as the asset-backed security is outstanding or such lesser period as the Commission determines is appropriate, engage in any transaction that would involve or result in any material conflict of interest with respect to any investor in a transaction arising out of such activity.

''(b) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules for the purpose of implementing subsection (a) including any appropriate disclosures or other measures. The disclosure by a person of a material conflict of interest with respect to a transaction prohibited under subsection (a) may not be construed to permit any person to engage in the transaction.

''(c) EXCEPTION.—The prohibitions of subsection (a) shall not apply to risk-mitigating hedging activities in connection with positions or holdings arising out of the underwriting, placement, initial purchase, or sponsorship of an asset-backed security, provided that such activities are designed to reduce the specific risks to the underwriter, placement agent, initial purchaser, or sponsor associated with positions or holdings arising out of such underwriting, placement, initial purchase, or sponsorship. This subsection shall not otherwise limit the application of section 15G of the Securities Exchange Act of 1934.''.

SA 4131. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4052 submitted by Mr. CORKER and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, line ____, of the amendment insert the following:

(c) CONFLICTS OF INTEREST.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 27A the following:

''SEC. 27B. CONFLICTS OF INTEREST RELATING TO CERTAIN SECURITIZATIONS.

''(a) IN GENERAL.—An underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, of an asset-backed security (as such term is defined in section 3 of the Securities and Exchange Act of 1934 (15 U.S.C. 78c), which for the purposes of this section shall include a synthetic asset-backed security), shall not, during such period as the asset-backed security is outstanding or such lesser period as the Commission determines is appropriate, engage in any transaction that would involve or result in any material conflict of interest with respect to any investor in a transaction arising out of such activity.

''(b) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules for the purpose of implementing subsection (a) including any appropriate disclosures or other measures. The disclosure by a person of a material conflict of interest with respect to a transaction prohibited under subsection (a) may not be construed to permit any person to engage in the transaction.

''(c) EXCEPTION.—The prohibitions of subsection (a) shall not apply to risk-mitigating hedging activities in connection with positions or holdings arising out of the underwriting, placement, initial purchase, or sponsorship of an asset-backed security, provided that such activities are designed to reduce the specific risks to the underwriter, placement agent, initial purchaser, or sponsor associated with positions or holdings arising out of such underwriting, placement, initial purchase, or sponsorship. This subsection shall not otherwise limit the application of section 15G of the Securities Exchange Act of 1934.''.

SA 4132. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4086 submitted by Ms. CANTWELL (for herself and Mrs. LINCOLN) and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

Notwithstanding any other provision of this Act, section 619 of this act shall have no force or effect, and the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by adding at the end the following:

''SEC. 13. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

''(a) IN GENERAL.—

''(1) PROHIBITION.—Unless otherwise provided in this section, a banking entity shall not—

''(A) engage in proprietary trading; or

''(B) acquire or retain any equity, partnership, or other ownership interest in or sponsor a hedge fund or a private equity fund.

''(2) NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD.—Any nonbank financial company supervised by the Board that engages in proprietary trading or takes or retains any equity, partnership, or other ownership interest in or sponsors a hedge fund or a private equity fund shall be subject by the Board to additional capital requirements for and additional quantitative limits with regards to such proprietary trading and taking or retaining any equity, partnership, or other ownership interest in or sponsorship of a hedge fund or a private equity fund, except that permitted activities as described in subsection (d) shall be subject to additional capital and additional quantitative limits as prescribed pursuant to subsection (d)(3).

''(b) STUDY AND RULEMAKING.—

''(1) STUDY.—Not later than 6 months after the date of enactment of this section, the Financial Stability Oversight Council shall study and make recommendations on implementing the provisions of this section so as to—

''(A) promote and enhance the safety and soundness of banking entities;

''(B) protect taxpayers and enhance financial stability by minimizing the risk that insured depository institutions and the affiliates of insured depository institutions will engage in unsafe and unsound activities;

''(C) limit the inappropriate transfer of Federal subsidies from institutions that benefit from deposit insurance and liquidity facilities of the Federal Government to unregulated entities;

''(D) reduce conflicts of interest between the self-interest of banking entities and nonbank financial companies supervised by the Board, and the interests of the customers of such entities and companies;

''(E) limit activities that have caused undue risk or loss in banking entities and nonbank financial companies supervised by the Board, or that might reasonably be expected to create undue risk or loss in such banking entities and nonbank financial companies supervised by the Board;

''(F) appropriately accommodate the business of insurance within an insurance company subject to regulation in accordance with the relevant insurance company investment laws while protecting the safety and soundness of any banking entity with which such insurance company is affiliated, and of the United States financial system; and

''(G) appropriately time the divestiture of illiquid assets that are affected by the implementation of the prohibitions under subsection (a).

''(2) RULEMAKING.—

''(A) IN GENERAL.—Not later than 9 months after the completion of the study under paragraph (1), the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, (unless otherwise provided in this section) shall consider the findings of the study under paragraph (1) and adopt rules to carry out this section, as provided in subparagraph (B).

''(B) COORDINATED RULEMAKING.—

''(i) REGULATORY AUTHORITY.—The regulations issued under this paragraph and subsections (d) and (e) shall be issued by—

''(I) the appropriate Federal banking agencies, jointly, with respect to insured depository institutions;

''(II) the Board, with respect to any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, any subsidiary of such a company (other than a subsidiary described in subparagraph (A) or (C)), and any nonbank financial company supervised by the Board;

''(III) the Commodity Futures Trading Commission, with respect to any entity for which the Commodity Futures Trading Commission is the primary financial regulatory agency, as defined in section 2 of the Restoring American Financial Stability Act of 2010; and

''(IV) the Securities and Exchange Commission, with respect to any entity for which the Securities and Exchange Commission is the primary financial regulatory agency, as defined in section 2 of the Restoring American Financial Stability Act of 2010.

''(ii) COORDINATION, CONSISTENCY, AND COMPARABILITY.—In developing and issuing regulations pursuant to this section, the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall consult and coordinate with each other, as appropriate, for the purposes of assuring, to the extent possible, that such regulations are comparable and provide for consistent application and implementation of the applicable provisions of this section to avoid providing advantages or imposing disadvantages to the companies affected by this subsection and to protect the safety and soundness of banking entities and nonbank financial companies supervised by the Board.

''(iii) COUNCIL ROLE.—The Chairperson of the Council shall be responsible for coordination of the regulations issued under this section.

''(c) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), this section shall take effect on the earlier of—

''(A) 12 months after the issuance of final rules under subsection (b); or

''(B) 2 years after the date of enactment of this section.

''(2) TRANSITION PERIOD FOR DIVESTITURE OF HEDGE FUNDS OR PRIVATE EQUITY FUNDS BY BANKING ENTITIES.—

''(A) NO NEW INVESTMENTS.—

''(i) NO NEW FUNDS.—On and after the date of enactment of this section, a banking entity may not sponsor or invest in a hedge fund or private equity fund that the banking entity did not sponsor or in which the banking entity was not invested on May 1, 2010.

''(ii) NO ADDITIONAL CAPITAL OR ASSETS.—On and after the date of enactment of this section, a banking entity may not sell, transfer, loan, or otherwise provide any additional capital or assets to a hedge fund or private equity fund sponsored by the banking entity or in which the banking entity invests, except to the extent necessary to fulfill a contractual obligation that was in effect on May 1, 2010.

''(B) REDUCTION OF EXISTING INVESTMENTS.—Except as provided in paragraph (3), on and after the date that is 2 years after the effective date of this section, the aggregate amount of equity, partnership, or other ownership interests in all hedge funds and private equity funds held by a banking entity shall not exceed 2 percent of the Tier I capital of the banking entity.

''(C) TOTAL DIVESTITURE.—On and after the date that is 5 years after the effective date of this section, no banking entity may engage in any activity prohibited under subsection (a)(1)(B), except as provided in paragraph (3).

''(3) TRANSITION PERIOD FOR ILLIQUID FUNDS.—

''(A) DEFINITION.—In this paragraph, the term 'illiquid fund' means a hedge fund or private equity fund that, as of May 1, 2010, was principally invested in or is invested in illiquid assets, and committed to principally invest in illiquid assets, such as portfolio companies, real estate investments, and venture capital investments, and that maintains the investment strategy of the fund that was in place as of May 1, 2010, regarding principally investing in illiquid assets. In issuing rules under this subparagraph, the Board shall take into consideration the terms of investment for the hedge fund or private equity fund, including contractual obligations, the ability of the fund to divest of assets held by the fund, and any other factors that the Board determines are appropriate.

''(B) TRANSITION.—

''(i) IN GENERAL.—During the 4-year period beginning on the date of enactment of this section, a banking entity may only take an equity, partnership, or ownership interest in, or otherwise provide additional capital to, an illiquid fund to the extent necessary to fulfill a contractual obligation of the banking entity to the illiquid fund that was in effect on May 1, 2010.

''(ii) LIMITATIONS.—A banking entity may not exercise an option to renew, or otherwise extend the duration of, any contractual obligation described in clause (i) and shall exercise any contractual option permitting the banking entity to exit the illiquid fund if and when such option becomes available. A banking entity may elect not to exercise an option described in the preceding sentence, to the extent that the maintenance of an investment would be permitted under paragraph (2).

''(iii) EXTENSION.—

''(I) APPROVAL REQUIRED.—If a contractual obligation of a banking entity described in clause (i) extends beyond the 4-year period beginning on the date of enactment of this section, the banking entity may not continue to make the investment required under the contractual obligation without the prior written approval of the Board. In determining whether to grant an extension under this clause, the Board shall evaluate whether the proposed investment meets the requirements of this subparagraph.

''(II) TIME LIMIT ON APPROVAL.—The Board may approve an investment described in subclause (I) for a period of not longer than 2 years for each extension.

''(III) LIMIT ON NUMBER OF APPROVALS.—The Board may not approve an investment described in subclause (I) more than 3 times.

''(iv) DIVESTITURE REQUIRED.—Except as otherwise permitted under subsection (d), no banking entity may engage in any activity prohibited under subsection (a)(1)(B) after the earlier of—

''(I) the date on which the contractual obligation to invest in the illiquid fund terminates; and

''(II) the date on which the approval by the Board under clause (iii) expires.

''(4) ADDITIONAL CAPITAL.—Notwithstanding paragraph (2) or (3), on and after the effective date under paragraph (1), the Board may impose additional capital requirements, and any other restrictions, as the Board determines appropriate, on any equity, partnership, or ownership interest in or sponsorship of a hedge fund or private equity fund by a banking entity or nonbank financial company supervised by the Board, including on a case-by-case basis, as the Board determines appropriate.

''(5) RULEMAKING.—Not later than 6 months after the date of enactment of this section, the Board shall issues rules to implement paragraphs (2), (3), and (4).

''(d) PERMITTED ACTIVITIES.—

''(1) IN GENERAL.—Notwithstanding the restrictions in subsection (a), to the extent permitted by any other provision of Federal or State law, and subject to the limitations under paragraph (2) and any restrictions or limitations that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, may determine, the following activities (in this section referred to as 'permitted activities') are permitted:

''(A) The purchase, sale, acquisition, or disposition of obligations of the United States or any agency thereof; obligations, participations, or other instruments of or issued by the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, a Federal Home Loan Bank, the Federal Agricultural Mortgage Corporation, or a Farm Credit System institution chartered under and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), and obligations of any State or of any political subdivision thereof.

''(B) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) in connection with underwriting, market-making, or in facilitation of customer relationships, to the extent that any such activities permitted by this subparagraph are designed to not exceed the reasonably expected near term demands of clients, customers, or counterparties.

''(C) Risk-mitigating hedging activities designed to reduce the specific risks to a banking entity or nonbank financial company supervised by the Board.

''(D) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) on behalf of customers.

''(E) Investments in one or more small business investment companies, as defined in section 102 of the Small Business Investment

Act of 1958 (15 U.S.C. 662), or investments designed primarily to promote the public welfare, as provided in paragraph (11) of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24).

''(F) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) by a regulated insurance company directly engaged in the business of insurance for the general account of the company and by any affiliate of such regulated insurance company, provided that such activities by any affiliate are solely for the general account of the regulated insurance company, if—

''(i) the purchase, sale, acquisition, or disposition is conducted in compliance with, and subject to, the insurance company investment laws, regulations, and written guidance of the State or jurisdiction in which each such insurance company is domiciled; and

''(ii) the appropriate Federal banking agencies, after consultation with the Financial Stability Oversight Council and the relevant insurance commissioners of the States and territories of the United States, have not jointly determined, after notice and comment, that a particular law, regulation, or written guidance described in clause (i) is insufficient to protect the safety and soundness of the banking entity or nonbank financial company supervised by the Board, or of the financial stability of the United States.

''(G) Organizing and offering a private equity or hedge fund, including serving as a general partner, managing member, or trustee of the fund and in any manner selecting or controlling (or having employees, officers, directors, or agents who constitute) a majority of the directors, trustees, or management of the fund, including any necessary expenses for the foregoing, only if—

''(i) the banking entity provides bona fide trust, fiduciary, or investment advisory services;

''(ii) the fund is organized and offered only in connection with the provision of bona fide trust, fiduciary, or investment advisory services and only to persons that are customers of such services of the banking entity;

''(iii) the banking entity does not acquire or retain an equity interest, partnership interest, or other ownership interest in the funds;

''(iv) the banking entity does not enter into or otherwise engage in any transaction with the hedge fund or private equity fund that is a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c);

''(v) the obligations or performance of the hedge fund or private equity fund are not guaranteed, assumed, or otherwise covered, directly or indirectly, by the banking entity or any subsidiary or affiliate of the banking entity;

''(vi) the banking entity does not share with the hedge fund or private equity fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name;

''(vii) no director or employee of the banking entity takes or retains an equity interest, partnership interest, or other ownership interest in, except for any director or employee of the banking entity who is directly engaged in providing investment advisory or other services to the hedge fund or private equity fund; and

''(viii) the banking entity complies with any rules of the appropriate Federal banking agencies, the Securities and Exchange Commission, or the Commodity Futures Trading Commission designed to ensure that losses in such hedge fund or private equity fund are borne solely by investors in the fund and not by the banking entity.

''(H) Proprietary trading conducted by a company pursuant to paragraph (9) or (13) of section 4(c), provided that the trading occurs solely outside of the United States and that the banking entity or nonbank financial company supervised by the Board is not directly or indirectly controlled by a United States person.

''(I) The acquisition or retention of any equity, partnership, or other ownership interest in, or the sponsorship of, a hedge fund or a private equity fund by a banking entity or nonbank financial company supervised by the Board pursuant to paragraph (9) or (13) of section 4(c) solely outside of the United States, provided that no ownership interest in such hedge fund or private equity fund is offered for sale or sold to a resident of the United States and that the banking entity or nonbank financial company supervised by the Board is not directly or indirectly controlled by a company that is organized in the United States.

''(J) Such other activity as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission determine through regulation, as provided in subsection (b)(2)(B), would promote and protect the safety and soundness of the banking entity or nonbank financial company supervised by the Board and the financial stability of the United States.

''(2) LIMITATION ON PERMITTED ACTIVITIES.—

''(A) IN GENERAL.—No transaction, class of transactions, or activity may be deemed a permitted activity under paragraph (1) if it—

''(i) would involve or result in a material conflict of interest (as such term shall be defined jointly by rule) between the banking entity or the nonbank financial company supervised by the Board and its clients, customers, or counterparties;

''(ii) would result, directly or indirectly, in an unsafe and unsound exposure by the banking entity or nonbank financial company supervised by the Board to high-risk assets or high-risk trading strategies (as such terms shall be defined jointly by rule);

''(iii) would pose a threat to the safety and soundness of such banking entity or nonbank financial company supervised by the Board; or

''(iv) would pose a threat to the financial stability of the United States.

''(B) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations to implement subparagraph (A), as part of the regulations issued under subsection (b)(2).

''(3) CAPITAL AND QUANTITATIVE LIMITATIONS.—The Board shall adopt rules, as provided under subsection (b)(2), imposing additional capital requirements and quantitative limitations regarding the activities permitted under this section if the Board determines that additional capital and quantitative limitations are appropriate to protect the safety and soundness of the banking entities and nonbank financial companies supervised by the Board engaged in such activities.

''(e) ANTI-EVASION.—

''(1) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations as part of the rulemaking provided for in subsection (b)(2) regarding internal controls and recordkeeping in order to insure compliance with this section.

''(2) TERMINATION OF ACTIVITIES OR INVESTMENT.—Whenever an appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, has reasonable cause to believe that a banking entity or nonbank financial company supervised by the Board under the respective agency's jurisdiction has made an investment or engaged in an activity in a manner that functions as an evasion of the requirements of this section (including through an abuse of any permitted activity) or otherwise violates the restrictions under this section, the appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, shall order, after due notice and opportunity for hearing, the banking entity or nonbank financial company supervised by the Board to terminate the activity and, as relevant, dispose of the investment. Nothing in this subparagraph shall be construed to limit the inherent authority of any Federal agency or State regulatory authority to further restrict any investments or activities under otherwise applicable provisions of law.

''(f) LIMITATIONS ON RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—

''(1) IN GENERAL.—No banking entity that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund may enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c) with the hedge fund or private equity fund.

''(2) TREATMENT AS MEMBER BANK.—A banking entity that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund shall be subject to section 23A and 23B of the Federal Reserve Act (12 U.S.C. 371c–1), as if such person were a member bank and such hedge fund or private equity fund were an affiliate thereof.

''(3) COVERED TRANSACTIONS WITH UNAFFILIATED HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—No banking entity may enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c), with any hedge fund or private equity fund organized and offered by the banking entity or with any hedge fund or private equity fund in which such hedge fund or private equity fund has taken any equity, partnership, or other ownership interest.

''(g) RULES OF CONSTRUCTION.—

''(1) LIMITATION ON CONTRARY AUTHORITY.—Any prohibitions or restrictions under this section shall apply even though such activities may be authorized for a banking entity or a nonbank financial company supervised by the Board under any other provision of law.

''(2) SALE OR SECURITIZATION OF LOANS.—Nothing in this section shall be construed to limit or restrict the ability of a banking entity or nonbank financial company supervised by the Board to sell or securitize loans in a manner otherwise permitted by law.

''(3) AUTHORITY OF FEDERAL AGENCIES AND STATE REGULATORY AUTHORITIES.—Nothing in this section shall be construed to limit the inherent authority of any Federal agency or State regulatory authority under otherwise applicable provisions of law.

''(h) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) BANKING ENTITY.—The term 'banking entity' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, and any affiliate or subsidiary of any such entity. For purposes of this paragraph, the term 'insured depository institution' does not include an institution that functions solely in a trust or fiduciary capacity, if—

''(A) all or substantially all of the deposits of such institution are in trust funds and are received in a bona fide fiduciary capacity;

''(B) no deposits of such institution which are insured by the Federal Deposit Insurance Corporation are offered or marketed by or through an affiliate of such institution;

''(C) such institution does not accept demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties or others or make commercial loans; and

''(D) such institution does not—

''(i) obtain payment or payment related services from any Federal Reserve bank, including any service referred to in section 11(a) of the Federal Reserve Act (12 U.S.C. 248a); or

''(ii) exercise discount or borrowing privileges pursuant to section 19(b)(7) of the Federal Reserve Act (12 U.S.C. 461(b)(7)).

''(2) HEDGE FUND; PRIVATE EQUITY FUND.—The terms 'hedge fund' and 'private equity fund' mean a company or other entity that is exempt from registration as an investment company pursuant to section 3(c)(1) or 3(c)(7) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(1) or 80a–3(c)(7)), or such similar funds as jointly determined appropriate by the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.

''(3) NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD.—The term 'nonbank financial company supervised by the Board' means a nonbank financial company supervised by the Board of Governors, as defined in section 102 of the Financial Stability Act of 2010.

''(4) PROPRIETARY TRADING.—The term 'proprietary trading' means engaging as a principal for its own trading account in any transaction to purchase or sell, or otherwise acquire or dispose of, any security, any derivative, any contract of sale of a commodity for future delivery, any option on any such security, derivative, or contract, or any other security or financial instrument that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may jointly, by rule, determine.

''(5) SPONSOR.—The term to 'sponsor' a fund means—

''(A) to serve as a general partner, managing member, or trustee of a fund;

''(B) in any manner to select or to control (or to have employees, officers, or directors, or agents who constitute) a majority of the directors, trustees, or management of a fund; or

''(C) to share with a fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name.

''(6) TRADING ACCOUNT.—The term 'trading account' means any account used for acquiring or taking positions in the securities and instruments described in paragraph (4) principally for the purpose of selling in the near term (or otherwise with the intent to resell in order to profit from short-term price movements), and any such other accounts as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may jointly, by rule, determine.''.

SEC. ___—.(i) CONFLICTS OF INTEREST.

The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 27A the following:

''SEC. 27B. CONFLICTS OF INTEREST RELATING TO CERTAIN SECURITIZATIONS.

''(a) IN GENERAL.—An underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, of an asset-backed security (as such term is defined in section 3 of the Securities and Exchange Act of 1934 (15 U.S.C. 78c), which for the purposes of this section shall include a synthetic asset-backed security), shall not, during such period as the asset-backed security is outstanding or such lesser period as the Commission determines is appropriate, engage in any transaction that would involve or result in any material conflict of interest with respect to any investor in a transaction arising out of such activity.

''(b) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules for the purpose of implementing subsection (a) including any appropriate disclosures or other measures.

''(c) EXCEPTION.—The prohibitions of subsection (a) shall not apply to risk-mitigating hedging activities in connection with positions or holdings arising out of the underwriting, placement, initial purchase, or sponsorship of an asset-backed security, provided that such activities are designed to reduce the specific risks to the underwriter, placement agent, initial purchaser, or sponsor associated with positions or holdings arising out of such underwriting, placement, initial purchase, or sponsorship. This subsection shall not otherwise limit the application of section 15G of the Securities Exchange Act of 1934.''.

SA 4133. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 3944 submitted by Mr. CORKER and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

Notwithstanding any other provision of this Act, section 619 of this act shall have no force or effect, and the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by adding at the end the following:

''SEC. 13. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

''(a) IN GENERAL.—

''(1) PROHIBITION.—Unless otherwise provided in this section, a banking entity shall not—

''(A) engage in proprietary trading; or

''(B) acquire or retain any equity, partnership, or other ownership interest in or sponsor a hedge fund or a private equity fund.

''(2) NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD.—Any nonbank financial company supervised by the Board that engages in proprietary trading or takes or retains any equity, partnership, or other ownership interest in or sponsors a hedge fund or a private equity fund shall be subject by the Board to additional capital requirements for and additional quantitative limits with regards to such proprietary trading and taking or retaining any equity, partnership, or other ownership interest in or sponsorship of a hedge fund or a private equity fund, except that permitted activities as described in subsection (d) shall be subject to additional capital and additional quantitative limits as prescribed pursuant to subsection (d)(3).

''(b) STUDY AND RULEMAKING.—

''(1) STUDY.—Not later than 6 months after the date of enactment of this section, the Financial Stability Oversight Council shall study and make recommendations on implementing the provisions of this section so as to—

''(A) promote and enhance the safety and soundness of banking entities;

''(B) protect taxpayers and enhance financial stability by minimizing the risk that insured depository institutions and the affiliates of insured depository institutions will engage in unsafe and unsound activities;

''(C) limit the inappropriate transfer of Federal subsidies from institutions that benefit from deposit insurance and liquidity facilities of the Federal Government to unregulated entities;

''(D) reduce conflicts of interest between the self-interest of banking entities and nonbank financial companies supervised by the Board, and the interests of the customers of such entities and companies;

''(E) limit activities that have caused undue risk or loss in banking entities and nonbank financial companies supervised by the Board, or that might reasonably be expected to create undue risk or loss in such banking entities and nonbank financial companies supervised by the Board;

''(F) appropriately accommodate the business of insurance within an insurance company subject to regulation in accordance with the relevant insurance company investment laws while protecting the safety and soundness of any banking entity with which such insurance company is affiliated, and of the United States financial system; and

''(G) appropriately time the divestiture of illiquid assets that are affected by the implementation of the prohibitions under subsection (a).

''(2) RULEMAKING.—

''(A) IN GENERAL.—Not later than 9 months after the completion of the study under paragraph (1), the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, (unless otherwise provided in this section) shall consider the findings of the study under paragraph (1) and adopt rules to carry out this section, as provided in subparagraph (B).

''(B) COORDINATED RULEMAKING.—

''(i) REGULATORY AUTHORITY.—The regulations issued under this paragraph and subsections (d) and (e) shall be issued by—

''(I) the appropriate Federal banking agencies, jointly, with respect to insured depository institutions;

''(II) the Board, with respect to any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, any subsidiary of such a company (other than a subsidiary described in subparagraph (A) or (C)), and any nonbank financial company supervised by the Board;

''(III) the Commodity Futures Trading Commission, with respect to any entity for which the Commodity Futures Trading Commission is the primary financial regulatory agency, as defined in section 2 of the Restoring American Financial Stability Act of 2010; and

''(IV) the Securities and Exchange Commission, with respect to any entity for which the Securities and Exchange Commission is the primary financial regulatory agency, as

defined in section 2 of the Restoring American Financial Stability Act of 2010.

''(ii) COORDINATION, CONSISTENCY, AND COMPARABILITY.—In developing and issuing regulations pursuant to this section, the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall consult and coordinate with each other, as appropriate, for the purposes of assuring, to the extent possible, that such regulations are comparable and provide for consistent application and implementation of the applicable provisions of this section to avoid providing advantages or imposing disadvantages to the companies affected by this subsection and to protect the safety and soundness of banking entities and nonbank financial companies supervised by the Board.

''(iii) COUNCIL ROLE.—The Chairperson of the Council shall be responsible for coordination of the regulations issued under this section.

''(c) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), this section shall take effect on the earlier of—

''(A) 12 months after the issuance of final rules under subsection (b); or

''(B) 2 years after the date of enactment of this section.

''(2) TRANSITION PERIOD FOR DIVESTITURE OF HEDGE FUNDS OR PRIVATE EQUITY FUNDS BY BANKING ENTITIES.—

''(A) NO NEW INVESTMENTS.—

''(i) NO NEW FUNDS.—On and after the date of enactment of this section, a banking entity may not sponsor or invest in a hedge fund or private equity fund that the banking entity did not sponsor or in which the banking entity was not invested on May 1, 2010.

''(ii) NO ADDITIONAL CAPITAL OR ASSETS.—On and after the date of enactment of this section, a banking entity may not sell, transfer, loan, or otherwise provide any additional capital or assets to a hedge fund or private equity fund sponsored by the banking entity or in which the banking entity invests, except to the extent necessary to fulfill a contractual obligation that was in effect on May 1, 2010.

''(B) REDUCTION OF EXISTING INVESTMENTS.—Except as provided in paragraph (3), on and after the date that is 2 years after the effective date of this section, the aggregate amount of equity, partnership, or other ownership interests in all hedge funds and private equity funds held by a banking entity shall not exceed 2 percent of the Tier I capital of the banking entity.

''(C) TOTAL DIVESTITURE.—On and after the date that is 5 years after the effective date of this section, no banking entity may engage in any activity prohibited under subsection (a)(1)(B), except as provided in paragraph (3).

''(3) TRANSITION PERIOD FOR ILLIQUID FUNDS.—

''(A) DEFINITION.—In this paragraph, the term 'illiquid fund' means a hedge fund or private equity fund that, as of May 1, 2010, was principally invested in or is invested in illiquid assets, and committed to principally invest in illiquid assets, such as portfolio companies, real estate investments, and venture capital investments, and that maintains the investment strategy of the fund that was in place as of May 1, 2010, regarding principally investing in illiquid assets. In issuing rules under this subparagraph, the Board shall take into consideration the terms of investment for the hedge fund or private equity fund, including contractual obligations, the ability of the fund to divest of assets held by the fund, and any other factors that the Board determines are appropriate.

''(B) TRANSITION.—

''(i) IN GENERAL.—During the 4-year period beginning on the date of enactment of this section, a banking entity may only take an equity, partnership, or ownership interest in, or otherwise provide additional capital to, an illiquid fund to the extent necessary to fulfill a contractual obligation of the banking entity to the illiquid fund that was in effect on May 1, 2010.

''(ii) LIMITATIONS.—A banking entity may not exercise an option to renew, or otherwise extend the duration of, any contractual obligation described in clause (i) and shall exercise any contractual option permitting the banking entity to exit the illiquid fund if and when such option becomes available. A banking entity may elect not to exercise an option described in the preceding sentence, to the extent that the maintenance of an investment would be permitted under paragraph (2).

''(iii) EXTENSION.—

''(I) APPROVAL REQUIRED.—If a contractual obligation of a banking entity described in clause (i) extends beyond the 4-year period beginning on the date of enactment of this section, the banking entity may not continue to make the investment required under the contractual obligation without the prior written approval of the Board. In determining whether to grant an extension under this clause, the Board shall evaluate whether the proposed investment meets the requirements of this subparagraph.

''(II) TIME LIMIT ON APPROVAL.—The Board may approve an investment described in subclause (I) for a period of not longer than 2 years for each extension.

''(III) LIMIT ON NUMBER OF APPROVALS.—The Board may not approve an investment described in subclause (I) more than 3 times.

''(iv) DIVESTITURE REQUIRED.—Except as otherwise permitted under subsection (d), no banking entity may engage in any activity prohibited under subsection (a)(1)(B) after the earlier of—

''(I) the date on which the contractual obligation to invest in the illiquid fund terminates; and

''(II) the date on which the approval by the Board under clause (iii) expires.

''(4) ADDITIONAL CAPITAL.—Notwithstanding paragraph (2) or (3), on and after the effective date under paragraph (1), the Board may impose additional capital requirements, and any other restrictions, as the Board determines appropriate, on any equity, partnership, or ownership interest in or sponsorship of a hedge fund or private equity fund by a banking entity or nonbank financial company supervised by the Board, including on a case-by-case basis, as the Board determines appropriate.

''(5) RULEMAKING.—Not later than 6 months after the date of enactment of this section, the Board shall issues rules to implement paragraphs (2), (3), and (4).

''(d) PERMITTED ACTIVITIES.—

''(1) IN GENERAL.—Notwithstanding the restrictions in subsection (a), to the extent permitted by any other provision of Federal or State law, and subject to the limitations under paragraph (2) and any restrictions or limitations that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, may determine, the following activities (in this section referred to as 'permitted activities') are permitted:

''(A) The purchase, sale, acquisition, or disposition of obligations of the United States or any agency thereof; obligations, participations, or other instruments of or issued by the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, a Federal Home Loan Bank, the Federal Agricultural Mortgage Corporation, or a Farm Credit System institution chartered under and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), and obligations of any State or of any political subdivision thereof.

''(B) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) in connection with underwriting, market-making, or in facilitation of customer relationships, to the extent that any such activities permitted by this subparagraph are designed to not exceed the reasonably expected near term demands of clients, customers, or counterparties.

''(C) Risk-mitigating hedging activities designed to reduce the specific risks to a banking entity or nonbank financial company supervised by the Board.

''(D) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) on behalf of customers.

''(E) Investments in one or more small business investment companies, as defined in section 102 of the Small Business Investment Act of 1958 (15 U.S.C. 662), or investments designed primarily to promote the public welfare, as provided in paragraph (11) of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24).

''(F) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) by a regulated insurance company directly engaged in the business of insurance for the general account of the company and by any affiliate of such regulated insurance company, provided that such activities by any affiliate are solely for the general account of the regulated insurance company, if—

''(i) the purchase, sale, acquisition, or disposition is conducted in compliance with, and subject to, the insurance company investment laws, regulations, and written guidance of the State or jurisdiction in which each such insurance company is domiciled; and

''(ii) the appropriate Federal banking agencies, after consultation with the Financial Stability Oversight Council and the relevant insurance commissioners of the States and territories of the United States, have not jointly determined, after notice and comment, that a particular law, regulation, or written guidance described in clause (i) is insufficient to protect the safety and soundness of the banking entity or nonbank financial company supervised by the Board, or of the financial stability of the United States.

''(G) Organizing and offering a private equity or hedge fund, including serving as a general partner, managing member, or trustee of the fund and in any manner selecting or controlling (or having employees, officers, directors, or agents who constitute) a majority of the directors, trustees, or management of the fund, including any necessary expenses for the foregoing, only if—

''(i) the banking entity provides bona fide trust, fiduciary, or investment advisory services;

''(ii) the fund is organized and offered only in connection with the provision of bona fide trust, fiduciary, or investment advisory services and only to persons that are customers of such services of the banking entity;

''(iii) the banking entity does not acquire or retain an equity interest, partnership interest, or other ownership interest in the funds;

''(iv) the banking entity does not enter into or otherwise engage in any transaction with the hedge fund or private equity fund that is a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c);

''(v) the obligations or performance of the hedge fund or private equity fund are not guaranteed, assumed, or otherwise covered,

directly or indirectly, by the banking entity or any subsidiary or affiliate of the banking entity;

''(vi) the banking entity does not share with the hedge fund or private equity fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name;

''(vii) no director or employee of the banking entity takes or retains an equity interest, partnership interest, or other ownership interest in, except for any director or employee of the banking entity who is directly engaged in providing investment advisory or other services to the hedge fund or private equity fund; and

''(viii) the banking entity complies with any rules of the appropriate Federal banking agencies, the Securities and Exchange Commission, or the Commodity Futures Trading Commission designed to ensure that losses in such hedge fund or private equity fund are borne solely by investors in the fund and not by the banking entity.

''(H) Proprietary trading conducted by a company pursuant to paragraph (9) or (13) of section 4(c), provided that the trading occurs solely outside of the United States and that the banking entity or nonbank financial company supervised by the Board is not directly or indirectly controlled by a United States person.

''(I) The acquisition or retention of any equity, partnership, or other ownership interest in, or the sponsorship of, a hedge fund or a private equity fund by a banking entity or nonbank financial company supervised by the Board pursuant to paragraph (9) or (13) of section 4(c) solely outside of the United States, provided that no ownership interest in such hedge fund or private equity fund is offered for sale or sold to a resident of the United States and that the banking entity or nonbank financial company supervised by the Board is not directly or indirectly controlled by a company that is organized in the United States.

''(J) Such other activity as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission determine through regulation, as provided in subsection (b)(2)(B), would promote and protect the safety and soundness of the banking entity or nonbank financial company supervised by the Board and the financial stability of the United States.

''(2) LIMITATION ON PERMITTED ACTIVITIES.—

''(A) IN GENERAL.—No transaction, class of transactions, or activity may be deemed a permitted activity under paragraph (1) if it—

''(i) would involve or result in a material conflict of interest (as such term shall be defined jointly by rule) between the banking entity or the nonbank financial company supervised by the Board and its clients, customers, or counterparties;

''(ii) would result, directly or indirectly, in an unsafe and unsound exposure by the banking entity or nonbank financial company supervised by the Board to high-risk assets or high-risk trading strategies (as such terms shall be defined jointly by rule);

''(iii) would pose a threat to the safety and soundness of such banking entity or nonbank financial company supervised by the Board; or

''(iv) would pose a threat to the financial stability of the United States.

''(B) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations to implement subparagraph (A), as part of the regulations issued under subsection (b)(2).

''(3) CAPITAL AND QUANTITATIVE LIMITATIONS.—The Board shall adopt rules, as provided under subsection (b)(2), imposing additional capital requirements and quantitative limitations regarding the activities permitted under this section if the Board determines that additional capital and quantitative limitations are appropriate to protect the safety and soundness of the banking entities and nonbank financial companies supervised by the Board engaged in such activities.

''(e) ANTI-EVASION.—

''(1) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations as part of the rulemaking provided for in subsection (b)(2) regarding internal controls and recordkeeping in order to insure compliance with this section.

''(2) TERMINATION OF ACTIVITIES OR INVESTMENT.—Whenever an appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, has reasonable cause to believe that a banking entity or nonbank financial company supervised by the Board under the respective agency's jurisdiction has made an investment or engaged in an activity in a manner that functions as an evasion of the requirements of this section (including through an abuse of any permitted activity) or otherwise violates the restrictions under this section, the appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, shall order, after due notice and opportunity for hearing, the banking entity or nonbank financial company supervised by the Board to terminate the activity and, as relevant, dispose of the investment. Nothing in this subparagraph shall be construed to limit the inherent authority of any Federal agency or State regulatory authority to further restrict any investments or activities under otherwise applicable provisions of law.

''(f) LIMITATIONS ON RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—

''(1) IN GENERAL.—No banking entity that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund may enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c) with the hedge fund or private equity fund.

''(2) TREATMENT AS MEMBER BANK.—A banking entity that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund shall be subject to section 23A and 23B of the Federal Reserve Act (12 U.S.C. 371c–1), as if such person were a member bank and such hedge fund or private equity fund were an affiliate thereof.

''(3) COVERED TRANSACTIONS WITH UNAFFILIATED HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—No banking entity may enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c), with any hedge fund or private equity fund organized and offered by the banking entity or with any hedge fund or private equity fund in which such hedge fund or private equity fund has taken any equity, partnership, or other ownership interest.

''(g) RULES OF CONSTRUCTION.—

''(1) LIMITATION ON CONTRARY AUTHORITY.—Any prohibitions or restrictions under this section shall apply even though such activities may be authorized for a banking entity or a nonbank financial company supervised by the Board under any other provision of law.

''(2) SALE OR SECURITIZATION OF LOANS.—Nothing in this section shall be construed to limit or restrict the ability of a banking entity or nonbank financial company supervised by the Board to sell or securitize loans in a manner otherwise permitted by law.

''(3) AUTHORITY OF FEDERAL AGENCIES AND STATE REGULATORY AUTHORITIES.—Nothing in this section shall be construed to limit the inherent authority of any Federal agency or State regulatory authority under otherwise applicable provisions of law.

''(h) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) BANKING ENTITY.—The term 'banking entity' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, and any affiliate or subsidiary of any such entity. For purposes of this paragraph, the term 'insured depository institution' does not include an institution that functions solely in a trust or fiduciary capacity, if—

''(A) all or substantially all of the deposits of such institution are in trust funds and are received in a bona fide fiduciary capacity;

''(B) no deposits of such institution which are insured by the Federal Deposit Insurance Corporation are offered or marketed by or through an affiliate of such institution;

''(C) such institution does not accept demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties or others or make commercial loans; and

''(D) such institution does not—

''(i) obtain payment or payment related services from any Federal Reserve bank, including any service referred to in section 11(a) of the Federal Reserve Act (12 U.S.C. 248a); or

''(ii) exercise discount or borrowing privileges pursuant to section 19(b)(7) of the Federal Reserve Act (12 U.S.C. 461(b)(7)).

''(2) HEDGE FUND; PRIVATE EQUITY FUND.—The terms 'hedge fund' and 'private equity fund' mean a company or other entity that is exempt from registration as an investment company pursuant to section 3(c)(1) or 3(c)(7) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(1) or 80a–3(c)(7)), or such similar funds as jointly determined appropriate by the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.

''(3) NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD.—The term 'nonbank financial company supervised by the Board' means a nonbank financial company supervised by the Board of Governors, as defined in section 102 of the Financial Stability Act of 2010.

''(4) PROPRIETARY TRADING.—The term 'proprietary trading' means engaging as a principal for its own trading account in any transaction to purchase or sell, or otherwise acquire or dispose of, any security, any derivative, any contract of sale of a commodity for future delivery, any option on any such security, derivative, or contract, or any other security or financial instrument that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may jointly, by rule, determine.

''(5) SPONSOR.—The term to 'sponsor' a fund means—

''(A) to serve as a general partner, managing member, or trustee of a fund;

''(B) in any manner to select or to control (or to have employees, officers, or directors, or agents who constitute) a majority of the directors, trustees, or management of a fund; or

''(C) to share with a fund, for corporate, marketing, promotional, or other purposes,

the same name or a variation of the same name.

''(6) TRADING ACCOUNT.—The term 'trading account' means any account used for acquiring or taking positions in the securities and instruments described in paragraph (4) principally for the purpose of selling in the near term (or otherwise with the intent to resell in order to profit from short-term price movements), and any such other accounts as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may jointly, by rule, determine.''.

SEC. __. CONFLICTS OF INTEREST.

The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 27A the following:

''SEC. 27B. CONFLICTS OF INTEREST RELATING TO CERTAIN SECURITIZATIONS.

''(a) IN GENERAL.—An underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, of an asset-backed security (as such term is defined in section 3 of the Securities and Exchange Act of 1934 (15 U.S.C. 78c), which for the purposes of this section shall include a synthetic asset-backed security), shall not, during such period as the asset-backed security is outstanding or such lesser period as the Commission determines is appropriate, engage in any transaction that would involve or result in any material conflict of interest with respect to any investor in a transaction arising out of such activity.

''(b) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules for the purpose of implementing subsection (a) including any appropriate disclosures or other measures.

''(c) EXCEPTION.—The prohibitions of subsection (a) shall not apply to risk-mitigating hedging activities in connection with positions or holdings arising out of the underwriting, placement, initial purchase, or sponsorship of an asset-backed security, provided that such activities are designed to reduce the specific risks to the underwriter, placement agent, initial purchaser, or sponsor associated with positions or holdings arising out of such underwriting, placement, initial purchase, or sponsorship. This subsection shall not otherwise limit the application of section 15G of the Securities Exchange Act of 1934.''.

SA 4134. Mr. REED submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

(g) EXCLUSION NOT APPLICABLE TO MILITARY LENDING.—

(1) IN GENERAL.—Subsection (a) shall not apply to any person that extends credit or arranges for the extension of retail credit or retail leases—

(A) subject to paragraph (2), to a consumer who is a covered member of the Armed Forces or a dependent of a covered member of the Armed Forces, as such terms are defined in section 670(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (10 U.S.C. 987(i)(1) and 10 U.S.C. 987(i)(2)); or

(B) for the purchase or lease of motor vehicles if such person sells, leases, or otherwise delivers motor vehicles to consumers from a physical location that is within 50 miles of a United States military installation.

(2) RULE OF CONSTRUCTION.—A person shall be deemed to comply with the exclusion under subparagraph (1)(A) if such person uses reasonable and appropriate procedures, in accordance with rules prescribed by the Bureau, to determine that all applicants are not consumers described in subparagraph (1)(A).

SA 4135. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. _____. PROHIBITION ON NEGATIVELY AMORTIZING MORTGAGES.

(a) PROHIBITION ON NEGATIVELY AMORTIZING MORTGAGES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by adding at the end following:

''(n) PROHIBITION ON NEGATIVELY AMORTIZING MORTGAGES.—

''(1) IN GENERAL.—Any person who sells, transfers, or plans to sell or transfer at least 1,000 mortgages, mortgage-backed securities, or similar financial instruments within a calendar year shall not include or reference in any of such financial instruments any mortgage in which the loan balance may negatively amortize.

''(2) APPLICABILITY.—This subsection does not apply to home equity conversion mortgages, as defined under section 255 of the National Housing Act (commonly referred to as 'reverse mortgages') that are otherwise regulated by a Federal or State agency.

''(3) RULE OF CONSTRUCTION.—As used in this section, the term 'mortgage' shall not be construed to be restricted or limited only to mortgages referred to in section 103(aa).''.

(b) EFFECTIVE DATE.—The requirements under subsection (n)(1) of section 129 of the Truth in Lending Act (as added by subsection (b)) shall take effect not later than 180 days after the date of the enactment of this Act.

SA 4136. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. RELIANCE ON REPORTS.

Notwithstanding section 932, section 15E(s)(4) of the Securities Exchange Act (15 U.S.C. 78o-7), as amended by section 932, is amended by adding at the end the following:

''(E) NO RELIANCE ON INADEQUATE REPORT.—A nationally recognized statistical rating organization may not rely on a third-party due diligence report if the nationally recognized statistical rating organization has reason to believe that the report is inadequate.''.

SA 4137. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. STANDARDS AND OVERSIGHT.

Notwithstanding section 932, section 15E(c)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-7(c)(2)) is amended to read as follows:

''(2) STANDARDS AND OVERSIGHT.—The Commission shall set standards and exercise oversight of the procedures and methodologies, including qualitative and quantitative data and models, used by nationally recognized statistical rating organizations, to ensure that the credit ratings issued by the nationally recognized statistical rating organizations have a reasonable foundation.''.

SA 4138. Mr. LEVIN (for himself, Mr. KAUFMAN, Mr. REED, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. RESTRICTION ON SYNTHETIC ASSET-BACKED SECURITIES.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 15G, as added by this Act, the following new section:

''SEC. 15H. RESTRICTION ON SYNTHETIC ASSET-BACKED SECURITIES.

''(a) DEFINITION.—For purposes of this section, the term 'synthetic asset-backed security' means an asset-backed security with respect to which, by design, the self-liquidating financial assets referenced in the synthetic securitization do not provide any direct payment or cash flow to the holder of the security.

''(b) RESTRICTION.—No issuer, underwriter, placement agent, sponsor, or initial purchaser may offer, sell, or transfer a synthetic asset-backed security that has no substantial or material economic purpose apart from speculation on a possible future gain or loss associated with the value or condition of the referenced assets. The Commission may determine whether a synthetic asset-backed security meets the requirements of this section. A determination by the Commission under the preceding sentence is not subject to judicial review.''.

SA 4139. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. FDIC EXAMINATION AUTHORITY.

(a) EXAMINATION AUTHORITY FOR INSURANCE AND ORDERLY LIQUIDATION PURPOSES.—Section 10(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)(3)) is amended by striking ''whenever the Board'' and all that follows through the period at the end and inserting the following: ''or depository institution holding company whenever the Chairperson or the Board of Directors determines that a special examination of any such depository institution or depository institution holding company is necessary to determine the condition of such depository institution or depository institution holding company for insurance purposes or for purposes of title II of the Restoring American Financial Stability Act of 2010.''.

(b) ENFORCEMENT AUTHORITY.—Section 8(t) of the Federal Deposit Insurance Act (12 U.S.C. 1818(t)) is amended—

(1) in paragraph (1)—

(A) by striking ''based on an examination of an insured depository institution'' and inserting ''based on an examination of an insured depository institution or depository institution holding company''; and

(B) by striking ''with respect to any insured depository institution or'' and inserting ''with respect to any insured depository institution, depository institution holding company, or'';

(2) in paragraph (2)—

(A) by striking ''Board of Directors determines, upon a vote of its members,'' and inserting ''Board of Directors, upon a vote of its members, or the Chairperson determines'';

(B) in subparagraph (B), by striking ''or'' at the end;

(C) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(D) the conduct or threatened conduct (including any acts or omissions) of the depository institution holding company poses a risk to the Deposit Insurance Fund or of the exercise of authority under title II of the Restoring American Financial Stability Act of 2010, or may prejudice the interests of the depositors of an affiliated institution.'';

(3) in paragraph (3)(A), by striking ''upon a vote of the Board of Directors'' and inserting ''upon a determination by the Chairperson or upon a vote of the Board of Directors'';

(4) in paragraph (4)(A)—

(A) by striking ''any insured depository institution'' and inserting ''any insured depository institution, depository institution holding company,''; and

(B) by striking ''the institution'' and inserting ''the institution, holding company,'';

(5) in paragraph (4)(B), by striking ''the institution'' each place that term appears and inserting ''the institution, holding company,''; and

(6) in paragraph (5)(A), by striking ''an insured depository institution'' and inserting ''an insured depository institution, depository institution holding company,''.

(c) BACK-UP EXAMINATION AUTHORITY FOR ORDERLY LIQUIDATION PURPOSES.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following:

''SEC. 51. BACK-UP EXAMINATION AUTHORITY FOR ORDERLY LIQUIDATION PURPOSES.

''The Corporation may conduct a special examination of a nonbank financial company supervised by the Board of Governors of the Federal Reserve System under section 113 of the Restoring American Financial Stability Act of 2010, if the Chairperson or the Board of Directors determines an examination is necessary to determine the condition of the company for purposes of title II of that Act.''.

(d) ACCESS TO INFORMATION FOR INSURANCE AND ORDERLY LIQUIDATION PURPOSES.—The Federal Deposit Insurance Act is amended by adding at the end the following:

''SEC. 52. ACCESS TO INFORMATION FOR INSURANCE AND ORDERLY LIQUIDATION PURPOSES.

''(a) ACCESS TO INFORMATION.—The Corporation may, if the Corporation determines that such action is necessary to carry out its responsibilities relating to deposit insurance or orderly liquidation under this Act, title II of the Restoring American Financial Stability Act of 2010, or otherwise applicable Federal law—

''(1) obtain information from an insured depository institution, depository institution holding company, or nonbank financial company supervised by the Board of Governors of the Federal Reserve System under section 113 of the Restoring American Financial Stability Act of 2010;

''(2) obtain information from the appropriate Federal banking agency, or any regulator of a nonbank financial company supervised by the Board of Governors of the Federal Reserve System under section 113 of the Restoring American Financial Stability Act of 2010, including examination reports; and

''(3) participate in any examination, visitation, or risk-scoping activity of an insured depository institution, depository institution holding company, or nonbank financial company supervised by the Board of Governors of the Federal Reserve System under section 113 of the Restoring American Financial Stability Act of 2010.

''(b) ENFORCEMENT.—The Corporation shall have the authority to take any enforcement action under section 8 against any institution or company described in paragraph (1) of subsection (a) that fails to provide any information requested under that paragraph.

''(c) USE OF AVAILABLE INFORMATION.—The Corporation shall use, in lieu of a request for information under subsection (a), information provided to another Federal or State regulatory agency, publicly available information, or externally audited financial statements to the extent that the Corporation determines such information is adequate to the needs of the Corporation.''.

SA 4140. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed to amendment SA 3883 proposed by Ms. SNOWE (for herself and Mr. PRYOR) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. PROPRIETARY TRADING.

(a) DEFINITION.—Notwithstanding section 619(a), for purposes of section 619, the term ''insured depository institution'' does not include an institution described in section 2(c)(2)(D) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(D)).

(b) EXCEPTIONS.—Notwithstanding section 619(c), for purposes of section 619, an insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), or any subsidiary of such institution or company may sponsor or invest in a hedge fund or a private equity fund, if—

(1) such institution, company, or subsidiary provides trust, fiduciary, or advisory services to the fund;

(2) the fund is sponsored and offered in connection with the provision of trust, fiduciary, or advisory services by such institution, company, or subsidiary to persons who are, or may be, customers or clients of such institution, company, or subsidiary;

(3) such institution, company, or subsidiary—

(A) does not acquire or retain an equity, partnership, or ownership interest in the fund; or

(B) acquires or retains an equity, partnership, or ownership interest, if—

(i) on the date that is 12 months after the date on which the fund is established, the equity, partnership, or ownership interest is not greater than 10 percent of the total equity of the fund; and

(ii) the aggregate equity investments by such institution, company, or subsidiary in the fund do not exceed 5 percent of Tier 1 capital of such institution, company, or subsidiary;

(4) such institution, company, or subsidiary does not enter into or otherwise engage in any transaction with the fund that is a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c), except on terms and under circumstances specified in section 23B of the Federal Reserve Act (12 U.S.C. 371c–1);

(5) the obligations of the fund are not guaranteed, directly or indirectly, by such institution, company, or subsidiary any affiliate of such institution, company, or subsidiary; and

(6) such institution, company, or subsidiary does not share with the fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name.

SA 4141. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1030. ENERGY AND ENVIRONMENTAL MARKETS ADVISORY COMMITTEE.

(a) REPEAL.—Notwithstanding any other provision of this Act, section 911 of this Act is repealed, effective on the date of enactment of this Act, and shall have no force or effect on or after that date of enactment.

(b) INVESTOR ADVISORY COMMITTEE ESTABLISHED.—Title I of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following:

''SEC. 39. INVESTOR ADVISORY COMMITTEE.

''(a) ESTABLISHMENT AND PURPOSE.—

''(1) ESTABLISHMENT.—There is established within the Commission the Investor Advisory Committee (referred to in this section as the 'Committee').

''(2) PURPOSE.—The Committee shall—

''(A) advise and consult with the Commission on—

''(i) regulatory priorities of the Commission;

''(ii) issues relating to the regulation of securities products, trading strategies, and fee structures, and the effectiveness of disclosure;

''(iii) initiatives to protect investor interests, including initiatives to protect investors against the material risks to investors associated with companies in the extractive industries sector, including—

''(I) unique tax and reputational risks, in the form of country-specific taxes and regulations;

''(II) the substantial capital employed in the extractive industries, and the often opaque and unaccountable management of natural resource revenues by foreign governments; and

''(III) the potential for unstable and high-cost operating environments for multinational companies operating in foreign countries; and

''(iv) initiatives to promote investor confidence and the integrity of the securities marketplace; and

''(B) submit to the Commission such findings and recommendations as the Committee determines are appropriate, including recommendations for proposed legislative changes.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The members of the Committee shall be—

''(A) the Investor Advocate;

''(B) a representative of State securities commissions;

''(C) a representative of the interests of senior citizens; and

''(D) not fewer than 10, and not more than 20, members appointed by the Commission, from among individuals who—

''(i) represent the interests of individual equity and debt investors, including investors in mutual funds;

''(ii) represent the interests of institutional investors, including the interests of pension funds and registered investment companies;

''(iii) are knowledgeable about investment issues and decisions; and

''(iv) have reputations of integrity.

''(2) TERM.—Each member of the Committee appointed under paragraph (1)(B) shall serve for a term of 4 years.

''(3) MEMBERS NOT COMMISSION EMPLOYEES.—Members appointed under paragraph (1)(B) shall not be deemed to be employees or agents of the Commission solely because of membership on the Committee.

''(c) CHAIRMAN; VICE CHAIRMAN; SECRETARY; ASSISTANT SECRETARY.—

''(1) IN GENERAL.—The members of the Committee shall elect, from among the members of the Committee—

''(A) a chairman, who may not be employed by an issuer;

''(B) a vice chairman, who may not be employed by an issuer;

''(C) a secretary; and

''(D) an assistant secretary.

''(2) TERM.—Each member elected under paragraph (1) shall serve for a term of 3 years in the capacity for which the member was elected under paragraph (1).

''(d) MEETINGS.—

''(1) FREQUENCY OF MEETINGS.—The Committee shall meet—

''(A) not less frequently than twice annually, at the call of the chairman of the Committee; and

''(B) from time to time, at the call of the Commission.

''(2) NOTICE.—The chairman of the Committee shall give the members of the Committee written notice of each meeting, not later than 2 weeks before the date of the meeting.

''(e) COMPENSATION AND TRAVEL EXPENSES.—Each member of the Committee who is not a full-time employee of the United States shall—

''(1) be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Committee; and

''(2) while away from the home or regular place of business of the member in the performance of services for the Committee, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

''(f) STAFF.—The Commission shall make available to the Committee such staff as the chairman of the Committee determines are necessary to carry out this section.

''(g) REVIEW BY COMMISSION.—The Commission shall—

''(1) review the findings and recommendations of the Committee

''(2) make recommendations to the Commission on the advisability of making public the information required to be disclosed under section 13(p)(2); and

''(3) each time the Committee submits a finding or recommendation to the Commission under paragraph (1), issue a public statement—

''(A) assessing the finding or recommendation of the Committee; and

''(B) disclosing the action, if any, the Commission intends to take with respect to the finding or recommendation.

''(h) COMMITTEE FINDINGS.—Nothing in this section shall require the Commission to agree to or act upon any finding or recommendation of the Committee.

''(i) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Committee and its activities.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission such sums as are necessary to carry out this section.''.

(c) DISCLOSURE OF PAYMENTS BY RESOURCE EXTRACTION ISSUERS.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), as amended by this Act, is amended by adding at the end the following:

''(p) DISCLOSURE OF PAYMENTS BY RESOURCE EXTRACTION ISSUERS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'commercial development of oil, natural gas, or minerals' includes exploration, extraction, processing, export, and other significant actions relating to oil, natural gas, or minerals, or the acquisition of a license for any such activity, as determined by the Commission;

''(B) the term 'foreign government' means a foreign government, a department, agency, or instrumentality of a foreign government, or a company owned by a foreign government, as determined by the Commission;

''(C) the term 'payment'—

''(i) means a payment that is—

''(I) made to further the commercial development of oil, natural gas, or minerals; and

''(II) not de minimis; and

''(ii) includes taxes, royalties, fees (including license fees), production entitlements, bonuses, and other material benefits, that the Commission, consistent with the guidelines of the Extractive Industries Transparency Initiative (to the extent practicable), determines are part of the commonly recognized revenue stream for the commercial development of oil, natural gas, or minerals;

''(D) the term 'resource extraction issuer' means an issuer that—

''(i) is required to file an annual report with the Commission; and

''(ii) engages in the commercial development of oil, natural gas, or minerals;

''(E) the term 'interactive data format' means an electronic data format in which pieces of information are identified using an interactive data standard; and

''(F) the term 'interactive data standard' means standardized list of electronic tags that mark information included in the annual report of a resource extraction issuer.

''(2) DISCLOSURE.—

''(A) INFORMATION REQUIRED.—Not later than 270 days after the date of enactment of the Restoring American Financial Stability Act of 2010, the Commission shall issue final rules that require each resource extraction issuer to include in an annual report of the resource extraction issuer information relating to any payment made by the resource extraction issuer, a subsidiary of the resource extraction issuer, or an entity under the control of the resource extraction issuer to a foreign government or the Federal Government for the purpose of the commercial development of oil, natural gas, or minerals, including—

''(i) the type and total amount of such payments made for each project of the resource extraction issuer relating to the commercial development of oil, natural gas, or minerals; and

''(ii) the type and total amount of such payments made to each government.

''(B) CONSULTATION IN RULEMAKING.—In issuing rules under subparagraph (A), the Commission may consult with any agency or entity that the Commission determines is relevant.

''(C) INTERACTIVE DATA FORMAT.—The rules issued under subparagraph (A) shall require that the information included in the annual report of a resource extraction issuer be submitted in an interactive data format.

''(D) INTERACTIVE DATA STANDARD.—

''(i) IN GENERAL.—The rules issued under subparagraph (A) shall establish an interactive data standard for the information included in the annual report of a resource extraction issuer.

''(ii) ELECTRONIC TAGS.—The interactive data standard shall include electronic tags that identify, for any payments made by a resource extraction issuer to a foreign government or the Federal Government—

''(I) the total amounts of the payments, by category;

''(II) the currency used to make the payments;

''(III) the financial period in which the payments were made;

''(IV) the business segment of the resource extraction issuer that made the payments;

''(V) the government that received the payments, and the country in which the government is located;

''(VI) the project of the resource extraction issuer to which the payments relate; and

''(VII) such other information as the Commission may determine is necessary or appropriate in the public interest or for the protection of investors.

''(E) INTERNATIONAL TRANSPARENCY EFFORTS.—To the extent practicable, the rules issued under subparagraph (A) shall support the commitment of the Federal Government to international transparency promotion efforts relating to the commercial development of oil, natural gas, or minerals.

''(F) EFFECTIVE DATE.—With respect to each resource extraction issuer, the final rules issued under subparagraph (A) shall take effect on the date on which the resource extraction issuer is required to submit an annual report relating to the fiscal year of the resource extraction issuer that ends not earlier than 1 year after the date on which the Commission issues final rules under subparagraph (A).

''(3) AVAILABILITY OF INFORMATION.—

''(A) PUBLIC AVAILABILITY OF INFORMATION.—To the extent practicable, the Commission shall make available online, to the public, a compilation of the information required to be submitted under the rules issued under paragraph (2)(A).

''(B) OTHER INFORMATION.—Nothing in this paragraph shall require the Commission to make available online information other than the information required to be submitted under the rules issued under paragraph (2)(A).''.

SA 4142. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4050 submitted by Mr. CARDIN (for himself, Mr. LUGAR, Mr. DURBIN, Mr. SCHUMER, Mr. FEINGOLD, Mr. MERKLEY, Mr. JOHNSON, and Mr. WHITEHOUSE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following: ''effective.

SEC. 995. ENERGY AND ENVIRONMENTAL MARKETS ADVISORY COMMITTEE.

(a) REPEAL.—Notwithstanding any other provision of this Act, section 911 of this Act is repealed, effective on the date of enactment of this Act, and shall have no force or effect on or after that date of enactment.

(b) INVESTOR ADVISORY COMMITTEE ESTABLISHED.—Title I of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following:

''SEC. 39. INVESTOR ADVISORY COMMITTEE.

''(a) ESTABLISHMENT AND PURPOSE.—

''(1) ESTABLISHMENT.—There is established within the Commission the Investor Advisory Committee (referred to in this section as the 'Committee').

''(2) PURPOSE.—The Committee shall—

''(A) advise and consult with the Commission on—

''(i) regulatory priorities of the Commission;

''(ii) issues relating to the regulation of securities products, trading strategies, and fee structures, and the effectiveness of disclosure;

''(iii) initiatives to protect investor interests, including initiatives to protect investors against the material risks to investors associated with companies in the extractive industries sector, including—

''(I) unique tax and reputational risks, in the form of country-specific taxes and regulations;

''(II) the substantial capital employed in the extractive industries, and the often opaque and unaccountable management of natural resource revenues by foreign governments; and

''(III) the potential for unstable and high-cost operating environments for multinational companies operating in foreign countries; and

''(iv) initiatives to promote investor confidence and the integrity of the securities marketplace; and

''(B) submit to the Commission such findings and recommendations as the Committee determines are appropriate, including recommendations for proposed legislative changes.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The members of the Committee shall be—

''(A) the Investor Advocate;

''(B) a representative of State securities commissions;

''(C) a representative of the interests of senior citizens; and

''(D) not fewer than 10, and not more than 20, members appointed by the Commission, from among individuals who—

''(i) represent the interests of individual equity and debt investors, including investors in mutual funds;

''(ii) represent the interests of institutional investors, including the interests of pension funds and registered investment companies;

''(iii) are knowledgeable about investment issues and decisions; and

''(iv) have reputations of integrity.

''(2) TERM.—Each member of the Committee appointed under paragraph (1)(B) shall serve for a term of 4 years.

''(3) MEMBERS NOT COMMISSION EMPLOYEES.—Members appointed under paragraph (1)(B) shall not be deemed to be employees or agents of the Commission solely because of membership on the Committee.

''(c) CHAIRMAN; VICE CHAIRMAN; SECRETARY; ASSISTANT SECRETARY.—

''(1) IN GENERAL.—The members of the Committee shall elect, from among the members of the Committee—

''(A) a chairman, who may not be employed by an issuer;

''(B) a vice chairman, who may not be employed by an issuer;

''(C) a secretary; and

''(D) an assistant secretary.

''(2) TERM.—Each member elected under paragraph (1) shall serve for a term of 3 years in the capacity for which the member was elected under paragraph (1).

''(d) MEETINGS.—

''(1) FREQUENCY OF MEETINGS.—The Committee shall meet—

''(A) not less frequently than twice annually, at the call of the chairman of the Committee; and

''(B) from time to time, at the call of the Commission.

''(2) NOTICE.—The chairman of the Committee shall give the members of the Committee written notice of each meeting, not later than 2 weeks before the date of the meeting.

''(e) COMPENSATION AND TRAVEL EXPENSES.—Each member of the Committee who is not a full-time employee of the United States shall—

''(1) be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Committee; and

''(2) while away from the home or regular place of business of the member in the performance of services for the Committee, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

''(f) STAFF.—The Commission shall make available to the Committee such staff as the chairman of the Committee determines are necessary to carry out this section.

''(g) REVIEW BY COMMISSION.—The Commission shall—

''(1) review the findings and recommendations of the Committee

''(2) make recommendations to the Commission on the advisability of making public the information required to be disclosed under section 13(p)(2); and

''(3) each time the Committee submits a finding or recommendation to the Commission under paragraph (1), issue a public statement—

''(A) assessing the finding or recommendation of the Committee; and

''(B) disclosing the action, if any, the Commission intends to take with respect to the finding or recommendation.

''(h) COMMITTEE FINDINGS.—Nothing in this section shall require the Commission to agree to or act upon any finding or recommendation of the Committee.

''(i) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Committee and its activities.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission such sums as are necessary to carry out this section.''.

(c) DISCLOSURE OF PAYMENTS BY RESOURCE EXTRACTION ISSUERS.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), as amended by this Act, is amended by adding at the end the following:

''(p) DISCLOSURE OF PAYMENTS BY RESOURCE EXTRACTION ISSUERS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'commercial development of oil, natural gas, or minerals' includes exploration, extraction, processing, export, and other significant actions relating to oil, natural gas, or minerals, or the acquisition of a license for any such activity, as determined by the Commission;

''(B) the term 'foreign government' means a foreign government, a department, agency, or instrumentality of a foreign government, or a company owned by a foreign government, as determined by the Commission;

''(C) the term 'payment'—

''(i) means a payment that is—

''(I) made to further the commercial development of oil, natural gas, or minerals; and

''(II) not de minimis; and

''(ii) includes taxes, royalties, fees (including license fees), production entitlements, bonuses, and other material benefits, that the Commission, consistent with the guidelines of the Extractive Industries Transparency Initiative (to the extent practicable), determines are part of the commonly recognized revenue stream for the commercial development of oil, natural gas, or minerals;

''(D) the term 'resource extraction issuer' means an issuer that—

''(i) is required to file an annual report with the Commission; and

''(ii) engages in the commercial development of oil, natural gas, or minerals;

''(E) the term 'interactive data format' means an electronic data format in which pieces of information are identified using an interactive data standard; and

''(F) the term 'interactive data standard' means standardized list of electronic tags that mark information included in the annual report of a resource extraction issuer.

''(2) DISCLOSURE.—

''(A) INFORMATION REQUIRED.—Not later than 270 days after the date of enactment of the Restoring American Financial Stability Act of 2010, the Commission shall issue final rules that require each resource extraction issuer to include in an annual report of the resource extraction issuer information relating to any payment made by the resource extraction issuer, a subsidiary of the resource extraction issuer, or an entity under the control of the resource extraction issuer to a foreign government or the Federal Government for the purpose of the commercial development of oil, natural gas, or minerals, including—

''(i) the type and total amount of such payments made for each project of the resource extraction issuer relating to the commercial development of oil, natural gas, or minerals; and

''(ii) the type and total amount of such payments made to each government.

''(B) CONSULTATION IN RULEMAKING.—In issuing rules under subparagraph (A), the Commission may consult with any agency or entity that the Commission determines is relevant.

''(C) INTERACTIVE DATA FORMAT.—The rules issued under subparagraph (A) shall require that the information included in the annual report of a resource extraction issuer be submitted in an interactive data format.

''(D) INTERACTIVE DATA STANDARD.—

''(i) IN GENERAL.—The rules issued under subparagraph (A) shall establish an interactive data standard for the information included in the annual report of a resource extraction issuer.

''(ii) ELECTRONIC TAGS.—The interactive data standard shall include electronic tags that identify, for any payments made by a resource extraction issuer to a foreign government or the Federal Government—

''(I) the total amounts of the payments, by category;

''(II) the currency used to make the payments;

''(III) the financial period in which the payments were made;

''(IV) the business segment of the resource extraction issuer that made the payments;

''(V) the government that received the payments, and the country in which the government is located;

''(VI) the project of the resource extraction issuer to which the payments relate; and

''(VII) such other information as the Commission may determine is necessary or appropriate in the public interest or for the protection of investors.

''(E) INTERNATIONAL TRANSPARENCY EFFORTS.—To the extent practicable, the rules issued under subparagraph (A) shall support the commitment of the Federal Government to international transparency promotion efforts relating to the commercial development of oil, natural gas, or minerals.

''(F) EFFECTIVE DATE.—With respect to each resource extraction issuer, the final rules issued under subparagraph (A) shall take effect on the date on which the resource extraction issuer is required to submit an annual report relating to the fiscal year of the resource extraction issuer that ends not earlier than 1 year after the date on which the Commission issues final rules under subparagraph (A).

''(3) AVAILABILITY OF INFORMATION.—

''(A) PUBLIC AVAILABILITY OF INFORMATION.—To the extent practicable, the Commission shall make available online, to the public, a compilation of the information required to be submitted under the rules issued under paragraph (2)(A).

''(B) OTHER INFORMATION.—Nothing in this paragraph shall require the Commission to make available online information other than the information required to be submitted under the rules issued under paragraph (2)(A).''.

SA 4143. Mr. DODD submitted an amendment intended to be proposed to amendment SA 4081 submitted by Mr. HATCH and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, after ''page 1235,'' strike ''line 10'' and all that follows through line 3, and insert: ''on line 6, strike ''the Bureau'' and all that follows through line 10 and insert: ''the Bureau shall consider the potential benefits and costs to covered persons and to consumers, including costs arising from the potential reduction of access by consumers to consumer financial products or service resulting from such rule and, when promulgating a final rule, shall set forth in the adopting release such consideration of the potential benefits and costs of the rule;''.''

SA 4144. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 122. DISCLOSURE OF CONFLICTS OF INTERESTS.

(a) RECOMMENDATION BY COUNCIL.—The Council shall issue recommendations to the primary financial regulatory agencies to require, as applicable, bank holding companies or nonbank financial companies under their respective jurisdictions to make appropriate disclosures to any purchaser or prospective purchaser of financial products from such companies, if such companies have a direct financial interest that is in material conflict with the interests of the purchaser or prospective purchaser with respect to the transaction involving such financial products.

(b) PROCEDURES AND IMPLEMENTATION.—The procedural and implementation provisions of subsection (b) and (c) of section 120 shall apply to recommendations of the Council under this section. In issuing such recommendations, the Council shall take into account the existence of, and firewalls between, separate business units of such companies.

SA 4145. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3776 proposed by Mr. SPECTER (for himself, Mr. REED, Mr. KAUFMAN, Mr. DURBIN, Mr. HARKIN, Mr. LEAHY, Mr. LEVIN, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. FEINGOLD, and Mr. MERKLEY) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 929D. AUTHORITY TO IMPOSE CIVIL PENALTIES IN CEASE-AND-DESIST PROCEEDINGS.

(a) UNDER THE SECURITIES ACT OF 1933.—Section 8A of the Securities Act of 1933 (15 U.S.C. 77h–1) is amended by adding at the end the following:

''(g) AUTHORITY TO IMPOSE MONEY PENALTIES.—

''(1) GROUNDS.—In any cease-and-desist proceeding under subsection (a), the Commission may impose a civil penalty on a person, if the Commission finds, on the record, after notice and opportunity for hearing, that—

''(A) the person—

''(i) is violating or has violated any provision of this title, or any rule or regulation issued under this title; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder; and

''(B) the imposition of the penalty is in the public interest.

''(2) MAXIMUM AMOUNT OF PENALTY.—

''(A) FIRST TIER.—The maximum amount of a penalty for each act or omission described in paragraph (1) shall be $7,500 for a natural person or $75,000 for any other person.

''(B) SECOND TIER.—Notwithstanding subparagraph (A), if the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless

disregard of a regulatory requirement, the maximum amount of penalty for each act or omission shall be $75,000 for a natural person or $375,000 for any other person.

''(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the maximum amount of penalty for each act or omission described in paragraph (1) shall be $150,000 for a natural person or $725,000 for any other person, if—

''(i) the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(ii) the act or omission directly or indirectly resulted in—

''(I) substantial losses or created a significant risk of substantial losses to other persons; or

''(II) substantial pecuniary gain to the person who committed the act or omission.

''(3) EVIDENCE CONCERNING ABILITY TO PAY.—In any proceeding in which the Commission may impose a penalty under this section, a respondent may present evidence of the ability of the respondent to pay such penalty. The Commission may, in its discretion, consider such evidence in determining whether such penalty is in the public interest. Such evidence may relate to the extent of the ability of the respondent to continue in business and the collectability of a penalty, taking into account any other claims of the United States or third parties upon the assets of the respondent and the amount of the assets of the respondent.''.

(b) UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 21B(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(a)) is amended—

(1) by striking the undesignated matter immediately following paragraph (4);

(2) in the matter preceding paragraph (1), by inserting after ''opportunity for hearing,'' the following: ''that such penalty is in the public interest and'';

(3) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and adjusting the subparagraph margins accordingly;

(4) by striking ''In any proceeding'' and inserting the following:

''(1) IN GENERAL.—In any proceeding''; and

(5) by adding at the end the following:

''(2) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted under section 21C against any person, the Commission may impose a civil penalty, if the Commission finds, on the record after notice and opportunity for hearing, that such person—

''(A) is violating or has violated any provision of this title, or any rule or regulation issued under this title; or

''(B) is or was a cause of the violation of any provision of this title, or any rule or regulation issued under this title.''.

(c) UNDER THE INVESTMENT COMPANY ACT OF 1940.—Section 9(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(1)) is amended—

(1) by striking the matter immediately following subparagraph (C);

(2) in the matter preceding subparagraph (A), by inserting after ''opportunity for hearing,'' the following: ''that such penalty is in the public interest, and'';

(3) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and adjusting the clause margins accordingly;

(4) by striking ''In any proceeding'' and inserting the following:

''(A) IN GENERAL.—In any proceeding''; and

(5) by adding at the end the following:

''(B) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to subsection (f) against any person, the Commission may impose a civil penalty if the Commission finds, on the record, after notice and opportunity for hearing, that such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation issued under this title; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation issued under this title.''.

(d) UNDER THE INVESTMENT ADVISERS ACT OF 1940.—Section 203(i)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(i)(1)) is amended—

(1) by striking the undesignated matter immediately following subparagraph (D);

(2) in the matter preceding subparagraph (A), by inserting after ''opportunity for hearing,'' the following: ''that such penalty is in the public interest and'';

(3) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the clause margins accordingly;

(4) by striking ''In any proceeding'' and inserting the following:

''(A) IN GENERAL.—In any proceeding''; and

(5) by adding at the end the following:

''(B) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to subsection (k) against any person, the Commission may impose a civil penalty if the Commission finds, on the record, after notice and opportunity for hearing, that such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation issued under this title; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation issued under this title.''.

SA 4146. Mr. ENSIGN proposed an amendment to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; as follows:

On page 1273, delete lines 17–18.

SA 4147. Mr. DODD (for Mr. CARPER (for himself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. VOINOVICH)) proposed an amendment to the bill S. 920, to amend section 11317 of title 40, United States Code, to improve the transparency of the status of information technology investments, to require greater accountability for cost overruns on Federal information technology investment projects, to improve the processes agencies implement to manage information technology investments, to reward excellence in information technology acquisition, and for other purposes; as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Information Technology (IT) Investment Oversight Enhancement and Waste Prevention Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The effective deployment of information technology can make the Federal Government more efficient, effective, and transparent.

(2) Historically, the Federal Government has struggled to properly plan, manage, and deliver information technology investments on time, on budget, and performing as planned.

(3) The Office of Management and Budget has made significant progress overseeing information technology investments made by Federal agencies, but continues to struggle to ensure that such investments meet cost, schedule, and performance expectations.

(4) Congress has limited knowledge of the actual cost, schedule, and performance of agency information technology investments and has difficulty providing the necessary oversight.

(5) In July 2008, an official of the Government Accountability Office testified before the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security of the Committee on Homeland Security and Governmental Affairs of the Senate, stating that—

(A) agencies self-report inaccurate and unreliable project management data to the Office of Management and Budget and Congress; and

(B) the Office of Management and Budget should establish a mechanism that would provide real-time project management information and force agencies to improve the accuracy and reliability of the information provided.

SEC. 3. REAL-TIME TRANSPARENCY OF IT INVESTMENT PROJECTS.

Section 11302(c)(1) of title 40, United States Code, is amended by striking the period at the end and inserting the following: '', including ensuring the effective operation of a Web site, updating the Web site, at a minimum, on a quarterly basis, and including on the Web site, not later than 90 days after the date of the enactment of the Information Technology (IT) Investment Oversight Enhancement and Waste Prevention Act of 2009—

''(1) the accurate cost, schedule, and performance information since the commencement of the project of all major information technology investments reported in a manner consistent with policy established by the Office of Management and Budget on the use of earned-value management data, which should be based on the ANSI–EIA–748–B standard or another objective performance-based management system approved by the E-Government Administrator;

''(2) a graphical depiction of trend information, to the extent practicable, since the commencement of the major IT investment;

''(3) a clear delineation of major IT investments that have experienced cost, schedule, or performance variance greater than 10 percent over the life cycle of the investment, and the extent of the variation;

''(4) an explanation of the reasons the investment deviated from the benchmark established at the commencement of the project; and

''(5) the number of times investments were rebaselined and the dates on which such rebaselines occurred.''.

SEC. 4. IT INVESTMENT PROJECTS.

(a) SIGNIFICANT AND GROSS DEVIATIONS.—Section 11317 of title 40, United States Code, is amended to read as follows:

''SEC. 11317. SIGNIFICANT AND GROSS DEVIATIONS.

''(a) DEFINITIONS.—In this subchapter:

''(1) AGENCY HEAD.—The term 'Agency Head' means the head of the Federal agency that is primarily responsible for the IT investment project under review.

''(2) ANSI EIA–748–B STANDARD.—The term 'ANSI EIA–748–B Standard' means the measurement tool jointly developed by the American National Standards Institute and the

Electronic Industries Alliance to analyze Earned Value Management systems.

''(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Oversight and Government Reform of the House of Representatives;

''(C) the Committee on Appropriations of the Senate;

''(D) the Committee on Appropriations of the House of Representatives; and

''(E) any other relevant congressional committee with jurisdiction over an agency required to take action under this section.

''(4) CHIEF INFORMATION OFFICER.—The term 'Chief Information Officer' means the Chief Information Officer designated under section 3506(a)(2) of title 44 of the Executive department (as defined in section 101 of title 5) that is primarily responsible for the IT investment project under review.

''(5) CORE IT INVESTMENT PROJECT.—The terms 'core IT investment project' and 'core project' mean a mission critical IT investment project designated as such by the Chief Information Officer, with approval by the Agency Head under subsection (b).

''(6) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(7) EARNED VALUE MANAGEMENT.—The term 'Earned Value Management' means the cost, schedule, and performance data used to determine project status and developed in accordance with the ANSI EIA–748-B Standard.

''(8) GROSSLY DEVIATED.—The term 'grossly deviated' means cost, schedule, or performance variance that is at least 40 percent from the Original Baseline.

''(9) INDEPENDENT COST ESTIMATE.—The term 'independent cost estimate' means a pragmatic and neutral analysis, assessment, and quantification of all costs and risks associated with acquisitions related to an IT investment project, which—

''(A) is based on programmatic and technical specifications provided by the office within the agency with primary responsibility for the development, procurement, and delivery of the project;

''(B) is formulated and provided by an entity other than the office within the agency with primary responsibility for the development, procurement, and delivery of the project;

''(C) contains sufficient detail to inform the selection of an Earned Value Management baseline benchmark measure under the ANSI EIA–748-B standard; and

''(D) accounts for the full life cycle cost plus associated operations and maintenance expenses over the usable life of the project's deliverables.

''(10) LIFE CYCLE COST.—The term 'life cycle cost' means the total cost of an IT investment project for planning, research and development, modernization, enhancement, operation, and maintenance.

''(11) MAJOR IT INVESTMENT PROJECT.—The terms 'major IT investment project' and 'project' mean an information technology system or information technology acquisition that—

''(A) requires special management attention because of its importance to the mission or function of the agency, a component of the agency, or another organization;

''(B) is for financial management and obligates more than $500,000 annually;

''(C) has significant program or policy implications;

''(D) has high executive visibility;

''(E) has high development, operating, or maintenance costs;

''(F) is funded through other than direct appropriations; or

''(G) is defined as major by the agency's capital planning and investment control process.

''(12) ORIGINAL BASELINE.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), the term 'Original Baseline' means the ANSI EIA–748–B Standard-compliant Earned Value Management benchmark or an equivalent benchmark approved by the Office of Management and Budget and established at the commencement of an IT investment project.

''(B) GROSSLY DEVIATED PROJECT.—If an IT investment project grossly deviates from its Original Baseline (as defined in subparagraph (A)), the term 'Original Baseline' means the ANSI EIA–748–B Standard-compliant Earned Value Management benchmark or an equivalent benchmark approved by the Office of Management and Budget and established under subsection (e)(3)(C).

''(13) SIGNIFICANTLY DEVIATED.—The term 'significantly deviated' means cost, schedule, or performance variance that is at least 20 percent from the Original Baseline.

''(b) CORE IT INVESTMENT PROJECTS DESIGNATION.—Each Chief Information Officer, with approval by the Agency Head, shall—

''(1) identify the major IT investments that are the most critical to the agency; and

''(2) designate any project as a 'core IT investment project' or a 'core project', upon determining that the project is a mission critical IT investment project that—

''(A) represents a significant high dollar value relative to the average IT investment project in the agency's portfolio;

''(B) delivers a capability critical to the successful completion of the agency mission, or a portion of such mission;

''(C) incorporates unproven or previously undeveloped technology to meet primary project technical requirements; or

''(D) would have a significant negative impact on the successful completion of the agency mission if the project experienced significant cost, schedule, or performance deviations.

''(c) COST, SCHEDULE, AND PERFORMANCE REPORTS.—

''(1) QUARTERLY REPORTS.—Not later than 14 days after the end of each fiscal quarter, the project manager designated by the Agency Head for an IT investment project shall submit information to the Chief Information Officer that includes, as of the last day of the applicable quarter—

''(A) a description of the cost, schedule, and performance of all projects under the project manager's supervision;

''(B) the original and current project cost, schedule, and performance benchmarks for each project under the project manager's supervision;

''(C) the quarterly and cumulative cost, schedule, and performance variance related to each IT investment project under the project manager's supervision since the commencement of the project;

''(D) for each project under the project manager's supervision, any known, expected, or anticipated changes to project schedule milestones or project performance benchmarks included as part of the original or current baseline description;

''(E) the current cost, schedule, and performance status of all projects under supervision that were previously identified as significantly deviated or grossly deviated; and

''(F) any corrective actions taken to address problems discovered under subparagraphs (C) through (E).

''(2) INTERIM REPORTS.—If the project manager for an IT investment project determines that there is reasonable cause to believe that an IT investment project has significantly deviated or grossly deviated since the issuance of the latest quarterly report, the project manager shall submit to the Chief Information Officer, not later than 21 days after such determination, information on the project that includes, as of the date of the report—

''(A) a description of the original and current program cost, schedule, and performance benchmarks;

''(B) the cost, schedule, or performance variance related to the IT investment project since the commencement of the project;

''(C) any known, expected, or anticipated changes to the project schedule milestones or project performance benchmarks included as part of the original or current baseline description;

''(D) the major reasons underlying the significant or gross deviation of the project; and

''(E) a corrective action plan to correct such deviations.

''(d) DETERMINATION OF SIGNIFICANT DEVIATION.—

''(1) CHIEF INFORMATION OFFICER.—Upon receiving information under subsection (c), the Chief Information Officer shall—

''(A) determine if any IT investment project has significantly deviated; and

''(B) report such determination to the Agency Head.

''(2) CONGRESSIONAL NOTIFICATION.—If the Chief Information Officer determines under paragraph (1) that an IT investment project has significantly deviated and the Agency Head has not submitted information to the appropriate congressional committees of a significant deviation for that project under this section since the project was last required to be rebaselined under this section, the Agency Head shall submit information to the appropriate congressional committees, the Director, and the Government Accountability Office that includes—

''(A) notification of such determination;

''(B) the date on which such determination was made;

''(C) the amount of the cost increases and the extent of the schedule delays with respect to such project;

''(D) any requirements that—

''(i) were added subsequent to the original baseline; or

''(ii) were originally contracted for, but were changed by deferment or deletion from the original baseline, or were otherwise no longer included in the requirements contracted for;

''(E) an explanation of the differences between—

''(i) the estimate at completion between the project manager, any contractor, and any independent analysis; and

''(ii) the original budget at completion;

''(F) a statement of the reasons underlying the project's significant deviation; and

''(G) a summary of the plan of action to remedy the significant deviation.

''(3) DEADLINE.—

''(A) NOTIFICATION BASED ON QUARTERLY REPORT.—If the determination of significant deviation is based on information submitted under subsection (c)(1), the Agency Head shall notify Congress and the Director in accordance with paragraph (2) not later than 21 days after the end of the quarter upon which such information is based.

''(B) NOTIFICATION BASED ON INTERIM REPORT.—If the determination of significant deviation is based on information submitted under subsection (c)(2), the Agency Head shall notify Congress and the Director in accordance with paragraph (2) not later than 21 days after the submission of such information.

''(e) DETERMINATION OF GROSS DEVIATION.—

''(1) CHIEF INFORMATION OFFICER.—Upon receiving information under subsection (c), the Chief Information Officer shall—

''(A) determine if any IT investment project has grossly deviated; and

''(B) report any such determination to the Agency Head.

''(2) CONGRESSIONAL NOTIFICATION.—If the Chief Information Officer determines under paragraph (1) that an IT investment project has grossly deviated and the Agency Head has not submitted information to the appropriate congressional committees of a gross deviation for that project under this section since the project was last required to be rebaselined under this section, the Agency Head shall submit information to the appropriate congressional committees, the Director, and the Government Accountability Office that includes—

''(A) notification of such determination, which—

''(i) identifies the date on which such determination was made; and

''(ii) indicates whether or not the project has been previously reported as a significant or gross deviation by the Chief Information Officer, and the date of any such report;

''(B) incorporations by reference of all prior reports to Congress on the project required under this section;

''(C) updated accounts of the items described in subparagraphs (C) through (G) of subsection (d)(2);

''(D) the original estimate at completion for the project manager, any contractor, and any independent analysis;

''(E) a graphical depiction that shows monthly planned expenditures against actual expenditures since the commencement of the project;

''(F) the amount, if any, of incentive or award fees any contractor has received since the commencement of the contract and the reasons for receiving such incentive or award fees;

''(G) the project manager's estimated cost at completion and estimated completion date for the project if current requirements are not modified;

''(H) the project manager's estimated cost at completion and estimated completion date for the project based on reasonable modification of such requirements;

''(I) an explanation of the most significant occurrence contributing to the variance identified, including cost, schedule, and performance variances, and the effect such occurrence will have on future project costs and program schedule;

''(J) a statement regarding previous or anticipated rebaselining or replanning of the project and the names of the individuals responsible for approval;

''(K) the original life cycle cost of the investment and the expected life cycle cost of the investment expressed in constant base year dollars and in current dollars; and

''(L) a comprehensive plan of action to remedy the gross deviation, and milestones established to control future cost, schedule, and performance deviations in the future.

''(3) REMEDIAL ACTION.—

''(A) IN GENERAL.—If the Chief Information Officer determines under paragraph (1)(A) that an IT investment project has grossly deviated, the Agency Head, in consultation with the Chief Information Officer and the appropriate project manager, shall develop and implement a remedial action plan that includes—

''(i) a report that—

''(I) describes the primary business case and key functional requirements for the project;

''(II) describes any portions of the project that have technical requirements of sufficient clarity that such portions may be feasibly procured under fixed-price contracts;

''(III) includes a certification by the Agency Head, after consultation with the Chief Information Officer, that all technical and business requirements have been reviewed and validated to ensure alignment with the reported business case;

''(IV) describes any changes to the primary business case or key functional requirements which have occurred since project inception; and

''(V) includes an independent government cost estimate for the project conducted by an entity approved by the Director;

''(ii) an analysis that—

''(I) describes agency business goals that the project was originally designed to address;

''(II) includes a gap analysis of what project deliverables remain in order for the agency to accomplish the business goals referred to in subclause (I);

''(III) identifies the 3 most cost-effective alternative approaches to the project which would achieve the business goals referred to in subclause (I); and

''(IV) includes a cost-benefit analysis, which compares—

''(aa) the completion of the project with the completion of each alternative approach, after factoring in future costs associated with the termination of the project; and

''(bb) the termination of the project without pursuit of alternatives, after factoring in foregone benefits; and

''(iii) a new baseline of the project is established that is consistent with the independent government cost estimate required under clause (i)(V); and

''(iv) the project is designated as a core IT investment project and subjected to the requirements under subsection (f).

''(B) SUBMISSION TO CONGRESS.—The remedial action plan and all corresponding reports, analyses, and actions under this paragraph shall be submitted to the appropriate congressional committees and the Director.

''(C) REPORTING AND ANALYSIS EXEMPTIONS.—

''(i) IN GENERAL.—The Chief Information Officer, in coordination with the Agency Head and the Director, may forego the completion of any element of a report or analysis under clause (i) or (ii) of subparagraph (A) if the Chief Information Officer determines that such element is not relevant to the understanding of the challenges facing the project or that such element does not further the remedial steps necessary to ensure that the project is completed in a timely and cost-efficient manner.

''(ii) IDENTIFICATION OF REASONS.—The Chief Information Officer shall include the reasons for not including any element referred to in clause (i) in the report submitted to Congress under subparagraph (B).

''(4) DEADLINE AND FUNDING CONTINGENCY.—

''(A) NOTIFICATION AND REMEDIAL ACTION BASED ON QUARTERLY REPORT.—

''(i) IN GENERAL.—If the determination of gross deviation is based on a report submitted under subsection (c)(1), the Agency Head shall—

''(I) not later than 45 days after the end of the quarter upon which such report is based, notify the appropriate congressional committees and the Director in accordance with paragraph (2); and

''(II) not later than 180 days after the end of the quarter upon which such report is based, ensure the completion of remedial action under paragraph (3).

''(ii) FAILURE TO MEET DEADLINES.—If the Agency Head fails to meet the deadline described in clause (i)(II), additional funds may not be obligated to support expenditures associated with the project until the requirements of this subsection have been fulfilled, except for expenditures to address reporting notifications, remedial actions, and other requirements under this Act.

''(B) NOTIFICATION AND REMEDIAL ACTION BASED ON INTERIM REPORT.—

''(i) IN GENERAL.—If the determination of gross deviation is based on a report submitted under subsection (c)(2), the Agency Head shall—

''(I) not later than 45 days after the submission of such report, notify the appropriate congressional committees in accordance with paragraph (2); and

''(II) not later than 180 days after the submission of such report, ensure the completion of remedial action in accordance with paragraph (3).

''(ii) FAILURE TO MEET DEADLINES.—If the Agency Head fails to meet the deadline described in clause (i)(II), additional funds may not be obligated to support expenditures associated with the project until the requirements of this subsection have been fulfilled, except for expenditures to address reporting notifications, remedial actions, and other requirements under this Act.

''(f) ADDITIONAL REQUIREMENTS FOR CORE IT INVESTMENT PROJECT REPORTS.—

''(1) INITIAL REPORT.—If a remedial action plan described in subsection (e)(3)(A) has not been submitted for a core IT investment project, the Agency Head, in coordination with the Chief Information Officer and responsible program managers, shall prepare an initial report for inclusion in the first budget submitted to Congress under section 1105(a) of title 31, United States Code, after the designation of a project as a core IT investment project, which includes—

''(A) a description of the primary business case and key functional requirements for the project;

''(B) an identification and description of any portions of the project that have technical requirements of sufficient clarity that such portions may be feasibly procured under fixed-price contracts;

''(C) an independent cost estimate for the project;

''(D) certification by the Chief Information Officer that all technical and business requirements have been reviewed and validated to ensure alignment with the reported business case; and

''(E) any changes to the primary business case or key functional requirements which have occurred since project inception.

''(2) QUARTERLY REVIEW OF BUSINESS CASE.—The Agency Head, in coordination with the Chief Information Officer and responsible program managers, shall—

''(A) monitor the primary business case and core functionality requirements reported to Congress and the Director for designated core IT investment projects; and

''(B) if changes to the primary business case or key functional requirements for a core IT investment project occur in any fiscal quarter, submit a report to Congress and the Director not later than 14 days after the end of such quarter that details the changes and describes the impact the changes will have on the cost and ultimate effectiveness of the project.

''(3) ALTERNATIVE SIGNIFICANT DEVIATION DETERMINATION.—If the Chief Information Officer determines, subsequent to a change in the primary business case or key functional requirements, that without such change the project would have significantly deviated—

''(A) the Chief Information Officer shall notify the Agency Head of the significant deviation; and

''(B) the Agency Head shall fulfill the requirements under subsection (d)(2) in accordance with the deadlines under subsection (d)(3).

''(4) ALTERNATIVE GROSS DEVIATION DETERMINATION.—If the Chief Information Officer determines, subsequent to a change in the primary business case or key functional requirements, that without such change the project would have grossly deviated—

''(A) the Chief Information Officer shall notify the Agency Head of the gross deviation; and

''(B) the Agency Head shall fulfill the requirements under subsections (e)(2) and (e)(3) in accordance with subsection (e)(4).

''(g) METHOD OF DELIVERY.—Reports and other information required under this section may be submitted through the Web site established under section 11302(c)(1) in a manner consistent with guidance from the Office of Management and Budget to satisfy reporting requirements and to reduce paperwork.

''(h) DEPARTMENT OF DEFENSE ACQUISITIONS.—The requirements of section 2445a of title 10, United States Code, shall apply to the information technology investment projects of the Department of Defense instead of the requirements under this section.''.

(b) INCLUSION IN THE BUDGET SUBMITTED TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''include in each budget the following:'' and inserting ''include in each budget—'';

(2) by redesignating the second paragraph (33) (as added by section 889(a) of Public Law 107–296) as paragraph (35);

(3) in each of paragraphs (1) through (34), by striking the period at the end and inserting a semicolon;

(4) in paragraph (35), as redesignated by paragraph (2), by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(36) the reports prepared under section 11317(f) of title 40, United States Code, relating to the core IT investment projects of the agency.''.

(c) IMPROVEMENT OF INFORMATION TECHNOLOGY ACQUISITION AND DEVELOPMENT.—Subchapter II of chapter 113 of title 40, United States Code, is amended by adding at the end the following:

''SEC. 11319. ACQUISITION AND DEVELOPMENT.

''(a) PURPOSE.—The objective of this section is to significantly reduce—

''(1) cost overruns and schedule slippage from the estimates established at the time the program is initially approved;

''(2) the number of requirements and business objectives at the time the program is approved that are not met by the delivered products; and

''(3) the number of critical defects and serious defects in delivered information technology.

''(b) OMB GUIDANCE.—The Director of the Office of Management and Budget shall—

''(1) not later than 180 days after the date of the enactment of this section, prescribe uniformly applicable guidance for agencies to implement the requirements of this section, which shall not include any exemptions to such requirements not specifically authorized under this section; and

''(2) take any actions that are necessary to ensure that Federal agencies are in compliance with the guidance prescribed pursuant to paragraph (1) not later than 1 year after the date of the enactment of this section.

''(c) ESTABLISHMENT OF PROGRAM.—Not later than 180 days after the date of the enactment of this section, each Agency Head (as defined in section 11317(a) of title 40, United States Code) shall establish a program to improve the information technology (referred to in this section as 'IT') processes overseen by the Chief Information Officer.

''(d) PROGRAM REQUIREMENTS.—Each program established pursuant to this section shall include—

''(1) a documented process for IT acquisition planning, requirements development and management, project management and oversight, earned-value management, and risk management;

''(2) the development of appropriate metrics that can be implemented and monitored on a real-time dashboard for performance measurement of—

''(A) processes and development status of investments;

''(B) continuous process improvement of the program; and

''(C) achievement of program and investment outcomes;

''(3) a process to ensure that key program personnel have an appropriate level of experience, training, and education, at an institution or institutions approved by the Director, in the planning, acquisition, execution, management, and oversight of IT;

''(4) a process to ensure that the agency implements and adheres to established processes and requirements relating to the planning, acquisition, execution, management, and oversight of IT programs and developments; and

''(5) a process for the Chief Information Officer to intervene or stop the funding of an IT investment if it is at risk of not achieving major project milestones.

''(e) ANNUAL REPORT TO OMB.—Not later than the last day of February of each year, the Agency Head shall submit a report to the Office of Management and Budget that includes—

''(1) a detailed summary of the accomplishments of the program established by the Agency Head pursuant to this section;

''(2) the status of completeness of implementation of each of the program requirements, and the date each such requirement was deemed to be completed;

''(3) the percentage of Federal IT projects covered under the program compared to all of the IT projects of the agency, listed by number of programs and by annual dollars expended;

''(4) a detailed breakdown of the sources and uses of the amounts spent by the agency during the previous fiscal year to support the activities of the program;

''(5) a copy of any guidance issued under the program and a statement regarding whether each such guidance is mandatory;

''(6) the identification of the metrics developed in accordance with subsection (b)(2);

''(7) a description of how paragraphs (3) and (4) of subsection (b) have been implemented and any related agency guidance; and

''(8) a description of how agencies will continue to review and update the implementation and objectives of such guidance.

''(f) ANNUAL REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall provide an annual report to Congress on the status and implementation of the program established pursuant to this section.

''(g) DEPARTMENT OF DEFENSE ACQUISITIONS.—The requirements of section 2223a of title 10, United States Code, shall apply to the information technology investment projects of the Department of Defense instead of the requirements under this section.''.

(d) CLERICAL AMENDMENTS.—The table of sections for chapter 113 of title 40, United States Code, is amended—

(1) by striking the item relating to section 11317 and inserting the following:

''11317. Significant and gross deviations.''; and

(2) by inserting after the item relating to section 11318 the following:

''11319. Acquisition and development.''.

SEC. 5. MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) PROGRAM TO IMPROVE INFORMATION TECHNOLOGY PROCESSES.—Chapter 131 of title 10, United States Code, is amended by adding after section 2223 the following:

''§ 2223a. Information technology acquisition planning and oversight requirements

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall establish a program to improve the planning and oversight processes for the acquisition of major automated information systems by the Department of Defense.

''(b) PROGRAM COMPONENTS.—The program established under subsection (a) shall include—

''(1) a documented process for information technology acquisition planning, requirements development and management, project management and oversight, earned value management, and risk management;

''(2) the development of appropriate metrics that can be implemented and monitored on a real-time basis for performance measurement of—

''(A) processes and development status of investments in major automated information system programs;

''(B) continuous process improvement of the program; and

''(C) achievement of program and investment outcomes;

''(3) a process to ensure that key program personnel have an appropriate level of experience, training, and education in the planning, acquisition, execution, management, and oversight of information technology systems;

''(4) a process to ensure that military departments and defense agencies adhere to established processes and requirements relating to the planning, acquisition, execution, management, and oversight of information technology programs and developments; and

''(5) a process under which an appropriate Department of Defense official may intervene or terminate the funding of an information technology investment if the investment is at risk of not achieving major project milestones.''.

(b) ANNUAL REPORT TO CONGRESS.—Section 2445b(b) of title 10, United States Code is amended by adding at the end the following:

''(5) For each major automated information system program for which such information has not been provided in a previous annual report—

''(A) a description of the primary business case and key functional requirements for the program;

''(B) a description of the analysis of alternatives conducted with regard to the program;

''(C) an assessment of the extent to which the program, or portions of the program, have technical requirements of sufficient clarity that the program, or portions of the program, may be feasibly procured under firm, fixed-price contracts;

''(D) the most recent independent cost estimate or cost analysis for the program provided by the Director of Cost Assessment and Program Evaluation in accordance with section 2334(a)(6);

''(E) a certification by a Department of Defense acquisition official with responsibility for the program that all technical and business requirements have been reviewed and validated to ensure alignment with the business case; and

''(F) an explanation of the basis for the certification described in subparagraph (E).

''(6) For each major automated information system program for which the information required under paragraph (5) has been provided in a previous annual report, a summary of any significant changes to the information previously provided.''.

SEC. 6. IT SWAT TEAM.

(a) PURPOSE.—The Director of the Office of Management of Budget (referred to in this section as the ''Director''), in consultation with the Administrator of the Office of Electronic Government and Information and Technology at the Office of Management and Budget (referred to in this section as the ''E-Gov Administrator''), shall assist agencies in avoiding significant and gross deviations in the cost, schedule, and performance of IT investment projects (as such terms are defined in section 11317(a) of title 40, United States Code).

(b) IT SWAT TEAM.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Director shall promulgate policy and guidance for the head of each Federal agency that establishes procedures for the creation of a small group of individuals (referred to in this section as the ''IT SWAT Team'') to carry out the purpose described in subsection (a).

(2) QUALIFICATIONS.—Individuals selected for the IT SWAT Team—

(A) shall be certified at the Senior/Expert level according to the Federal Acquisition Certification for Program and Project Managers (FAC–P/PM);

(B) shall have comparable education, certification, training, and experience to successfully manage high-risk IT investment projects; or

(C) shall have expertise in the successful management or oversight of planning, architecture, process, integration, or other technical and management aspects using proven process best practices on high-risk IT investment projects.

(3) NUMBER.—The Director, in consultation with the E-Gov Administrator and the head of the agency primarily responsible for the IT investment, shall determine the number of individuals who will be selected for the IT SWAT Team.

(c) OUTSIDE CONSULTANTS.—

(1) IDENTIFICATION.—The E-Gov Administrator and representatives of the Chief Information Officers Council shall identify consultants in the private sector who have expert knowledge in IT program management and program management review teams. Not more than 20 percent of such consultants may be formally associated with any 1 of the following types of entities:

(A) Commercial firms.

(B) Nonprofit entities.

(C) Federally funded research and development centers.

(2) USE OF CONSULTANTS.—

(A) IN GENERAL.—Consultants identified under paragraph (1) may be used to assist the IT SWAT Team in assessing and improving IT investment projects.

(B) LIMITATION.—Consultants with a formally established relationship with an organization may not participate in any assessment involving an IT investment project for which such organization is under contract to provide technical support.

(C) EXCEPTION.—The limitation described in subparagraph (B) may not be construed as precluding access to anyone having relevant information helpful to the conduct of the assessment.

(3) CONTRACTS.—The E-Gov Administrator, in conjunction with the Administrator of the General Services Administration (GSA), may establish competitively bid contracts with 1 or more qualified consultants, independent of any GSA schedule.

(d) INITIAL RESPONSE TO ANTICIPATED SIGNIFICANT OR GROSS DEVIATION.—If the head of the Federal agency primarily responsible for the major IT investment or the E-Gov Administrator determines that there is reasonable cause to believe that a major IT investment project is likely to significantly or grossly deviate (as defined in section 11317(a) of title 40, United States Code), including the receipt of inconsistent or missing data, or if such agency head or the E–Gov Administrator determines that the assignment of 1 or more members of the IT SWAT Team could meaningfully reduce the possibility of significant or gross deviation, such agency head or the E-Gov Administrator shall carry out the following activities:

(1) Recommend the assignment of 1 or more members of the IT SWAT Team to assess the project in accordance with the scope and time period described in section 11317(c)(1) of title 40, United States Code, beginning not later than 14 days after such recommendation. No member of the SWAT Team who is associated with the department or agency whose IT investment project is the subject of the assessment may be assigned to participate in this assessment. Such limitation may not be construed as precluding access to anyone having relevant information helpful to the conduct of the assessment.

(2) If such agency head or the E-Gov Administrator determines that 1 or more qualified consultants are needed to support the efforts of the IT SWAT Team under paragraph (1), negotiate a contract with the consultant to provide such support during the period in which the IT SWAT Team is conducting the assessment described in paragraph (1).

(3) Ensure that the costs of an assessment under paragraph (1) and the support services of 1 or more consultants under paragraph (2) are paid for by the agency being assessed.

(4) Monitor the progress made by the IT SWAT Team in assessing the project.

(e) REDUCTION OF SIGNIFICANT OR GROSS DEVIATION.—If the agency head described in subsection (d) or the E-Gov Administrator determines that the assessment conducted under subsection (d) confirms that a major IT investment project is likely to significantly or grossly deviate, such agency head or the E-Gov Administrator shall take steps to reduce the deviation, which may include—

(1) providing training, education, or mentoring to improve the qualifications of the program manager;

(2) replacing the program manager or other staff;

(3) supplementing the program management team with Federal Government employees or independent contractors;

(4) terminating the project; or

(5) hiring an independent contractor to report directly to senior management and the E-Gov Administrator.

(f) ENFORCEMENT OF ACCOUNTABILITY.—The Director may use the actions directed under section 11303(b)(5) of title 5, United States Code, to enforce accountability of the head of the agency and for the investments made by the agency in information technology.

(g) REPORT TO CONGRESS.—The Director shall include in the annual Report to Congress on the Benefits of E-Government Initiatives a detailed summary of the composition and activities of the IT SWAT Team, including—

(1) the number and qualifications of individuals on the IT SWAT Team;

(2) a description of the IT investment projects that the IT SWAT Team has worked during the previous fiscal year;

(3) the major issues that necessitated the involvement of the IT SWAT Team to assist agencies with assessing and managing IT investment projects and whether such issues were satisfactorily resolved;

(4) if the issues referred to in paragraph (3) were not satisfactorily resolved, the issues still needed to be resolved and the Agency Head's plan for resolving such issues;

(5) a detailed breakdown of the sources and uses of the amounts spent by the Office of Management and Budget and other Federal agencies during the previous fiscal year to support the activities of the IT SWAT Team; and

(6) a determination of whether the IT SWAT Team has been effective in—

(A) preventing projects from deviating from the original baseline; and

(B) assisting agencies in conducting appropriate analysis and planning before a project is funded.

SEC. 7. AWARDS FOR PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF INFORMATION SYSTEMS AND INFORMATION TECHNOLOGY.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Director of the Office of Personnel Management shall develop policy and guidance for agencies to develop a program to recognize excellent performance by Federal Government employees and teams of such employees in the acquisition of information systems and information technology for the agency.

(b) ELEMENTS.—The program referred to in subsection (a) shall, to the extent practicable—

(1) obtain objective outcome measures; and

(2) include procedures for—

(A) the nomination of Federal Government employees and teams of such employees for eligibility for recognition under the program; and

(B) the evaluation of nominations for recognition under the program by 1 or more agency panels of individuals from government, academia, and the private sector who have such expertise, and are appointed in such a manner, as the Director of the Office of Personal Management shall establish for purposes of the program.

(c) AWARD OF CASH BONUSES AND OTHER INCENTIVES.—As part of the program referred to in subsection (a), the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall establish policies and guidance for agencies to reward any Federal Government employee or teams of such employees recognized pursuant to the program—

(1) by awarding a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law;

(2) through promotions and other nonmonetary awards;

(3) by publicizing acquisition accomplishments by individual employees and, as appropriate, the tangible end benefits that resulted from such accomplishments; and

(4) through other awards, incentives, or bonuses that the head of the agency considers appropriate.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on May 19, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on May 19, 2010, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 19, 2010, at 10 a.m., to hold a hearing entitled ''After the Earthquake: Empowering Haiti to Rebuild Better.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 19, 2010, at 2:30 p.m., to conduct a hearing entitled ''The History and Lessons of START.''

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

COMMITTEE ON THE JUDICIARY

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 19, 2010, at 10 a.m., in room SD–266 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Renewing America's Commitment to the Refugee Convention: The Refugee Protection Act of 2010.''

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on May 19, 2010, at 10 a.m., to conduct a hearing entitled ''Examining the Filibuster: The Filibuster Today and Its Consequences.''

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DODD. 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 May 19, 2010, at 10 a.m. to conduct a hearing entitled ''Confirmation Hearing of Marie Annettee Collins Johns to be the Deputy Administrator of the Small Business Administration.''

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DODD. 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 May 19, 2010, at 11 a.m. to conduct a hearing entitled ''The SBA Disaster Assistance Program and the Impact of the Deepwater Horizon Oil Spill on Small Businesses.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on May 19, 2010. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. DODD. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate in order to conduct a hearing on on May 19, 2010, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that Paul Williams, a detailee in my office from the Food and Drug Administration; Ron Rowe, a detailee in my office from the Secret Service; Ryika Hooshangi, a foreign affairs fellow in my office from the Department of State; MAJ Ken Kuebler, a military fellow in my office from the U.S. Air Force, all be granted the privileges of the floor for the remainder of the second session of the 111th Congress.

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

INFORMATION TECHNOLOGY (IT) INVESTMENT OVERSIGHT ENHANCEMENT AND WASTE PREVENTION ACT OF 2009

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 364, S. 920.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 920) to amend section 11317 of title 40, United States Code, to improve the transparency of the status of information technology investments, to require greater accountability for cost overruns on Federal information technology investment projects, to improve the processes agencies implement to manage information technology investments, to reward excellence in information technology acquisition, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Information Technology (IT) Investment Oversight Enhancement and Waste Prevention Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The effective deployment of information technology can make the Federal Government more efficient, effective, and transparent.

(2) Historically, the Federal Government has struggled to properly plan, manage, and deliver information technology investments on time, on budget, and performing as planned.

(3) The Office of Management and Budget has made significant progress overseeing information technology investments made by Federal agencies, but continues to struggle to ensure that such investments meet cost, schedule, and performance expectations.

(4) Congress has limited knowledge of the actual cost, schedule, and performance of agency information technology investments and has difficulty providing the necessary oversight.

(5) In July 2008, an official of the Government Accountability Office testified before the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security of the Committee on Homeland Security and Governmental Affairs of the Senate, stating that—

(A) agencies self-report inaccurate and unreliable project management data to the Office of Management and Budget and Congress; and

(B) the Office of Management and Budget should establish a mechanism that would provide real-time project management information and force agencies to improve the accuracy and reliability of the information provided.

SEC. 3. REAL-TIME TRANSPARENCY OF IT INVESTMENT PROJECTS.

Section 11302(c)(1) of title 40, United States Code, is amended by striking the period at the end and inserting the following: '', including establishing a Web site, updating the Web site, at a minimum, on a quarterly basis, and including on the Web site, not later than 90 days after the date of the enactment of the Information Technology (IT) Investment Oversight Enhancement and Waste Prevention Act of 2009—

''(1) the cost, schedule, and performance of all major information technology investments using earned-value management data based on the ANSI–EIA–748–B standard;

''(2) accurate quarterly information since the commencement of the project;

''(3) a graphical depiction of trend information since the commencement of the project;

''(4) a clear delineation of investments that have experienced cost, schedule, or performance variance greater than 10 percent over the life cycle of the investment;

''(5) an explanation of the reasons the investment deviated from the benchmark established at the commencement of the project; and

''(6) the number of times investments were rebaselined and the dates on which such rebaselines occurred.''.

SEC. 4. IT INVESTMENT PROJECTS.

(a) SIGNIFICANT AND GROSS DEVIATIONS.—Section 11317 of title 40, United States Code, is amended to read as follows:

''SEC. 11317. SIGNIFICANT AND GROSS DEVIATIONS.

''(a) DEFINITIONS.—In this subchapter:

''(1) AGENCY HEAD.—The term 'Agency Head' means the head of the Federal agency that is primarily responsible for the IT investment project under review.

''(2) ANSI EIA–748–B STANDARD.—The term 'ANSI EIA–748–B Standard' means the measurement tool jointly developed by the American National Standards Institute and the Electronic Industries Alliance to analyze Earned Value Management systems.

''(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Oversight and Government Reform of the House of Representatives;

''(C) the Committee on Appropriations of the Senate;

''(D) the Committee on Appropriations of the House of Representatives; and

''(E) any other relevant congressional committee with jurisdiction over an agency required to take action under this section.

''(4) CHIEF INFORMATION OFFICER.—The term 'Chief Information Officer' means the Chief Information Officer designated under section 3506(a)(2) of title 44 of the Federal agency that is primarily responsible for the IT investment project under review.

''(5) CORE IT INVESTMENT PROJECT.—The terms 'core IT investment project' and 'core project' mean a mission critical IT investment project designated as such by the Chief Information Officer, with approval by the Agency Head under subsection (b).

''(6) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(7) EARNED VALUE MANAGEMENT.—The term 'Earned Value Management' means the cost, performance, and schedule data used to determine project status and developed in accordance with the ANSI EIA–748–B Standard.

''(8) GROSSLY DEVIATED.—The term 'grossly deviated' means cost, schedule, or performance variance that is at least 40 percent from the Original Baseline.

''(9) INDEPENDENT GOVERNMENT COST ESTIMATE.—The term 'independent government cost estimate' means a pragmatic and neutral analysis, assessment, and quantification of all costs and risks associated with the acquisition of an IT investment project, which—

''(A) is based on programmatic and technical specifications provided by the office within the agency with primary responsibility for the development, procurement, and delivery of the project;

''(B) is formulated and provided by an entity other than the office within the agency with primary responsibility for the development, procurement, and delivery of the project;

''(C) contains sufficient detail to inform the selection of an Earned Value Management baseline benchmark measure under the ANSI EIA–748-B standard; and

''(D) accounts for the full life cycle cost plus associated operations and maintenance expenses over the usable life of the project's deliverables.

''(10) IT INVESTMENT PROJECT.—The terms 'IT investment project' and 'project' mean an information technology system or information technology acquisition, excluding systems or acquisitions of the Department of Defense, that—

''(A) requires special management attention because of its importance to the mission or function of the agency, a component of the agency, or another organization;

''(B) is for financial management and obligates more than $500,000 annually;

''(C) has significant program or policy implications;

''(D) has high executive visibility;

''(E) has high development, operating, or maintenance costs;

''(F) is funded through other than direct appropriations; or

''(G) is defined as major by the agency's capital planning and investment control process.

''(11) LIFE CYCLE COST.—The term 'life cycle cost' means the total cost of an IT investment project for planning, research and development, modernization, enhancement, operation, and maintenance.

''(12) ORIGINAL BASELINE.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), the term 'Original Baseline' means the ANSI EIA–748–B Standard-compliant Earned Value Management benchmark established at the commencement of an IT investment project.

''(B) GROSSLY DEVIATED PROJECT.—If an IT investment project grossly deviates from its Original Baseline (as defined in subparagraph (A)), the term 'Original Baseline' means the ANSI EIA–748–B Standard-compliant Earned Value Management benchmark established under subsection (e)(3)(C).

''(13) SIGNIFICANTLY DEVIATED.—The term 'significantly deviated' means Earned Value Management variance that is at least 20 percent from the Original Baseline.

''(b) CORE IT INVESTMENT PROJECTS DESIGNATION.—Each Chief Information Officer, with approval by the Agency Head, shall—

''(1) identify the major IT investments that are the most critical to the agency; and

''(2) designate any project as a 'core IT investment project' or a 'core project', upon determining that the project is a mission critical IT investment project that—

''(A) represents a significant high dollar value relative to the average IT investment project in the agency's portfolio;

''(B) delivers a capability critical to the successful completion of the agency mission, or a portion of such mission;

''(C) incorporates unproven or previously undeveloped technology to meet primary project technical requirements; or

''(D) would have a significant negative impact on the successful completion of the agency mission if the project experienced significant cost, schedule, or performance deviations.

''(c) COST, SCHEDULE, AND PERFORMANCE REPORTS.—

''(1) QUARTERLY REPORTS.—Not later than 14 days after the end of each fiscal quarter, the project manager designated by the Agency Head for an IT investment project shall submit a written report to the Chief Information Officer that includes, as of the last day of the applicable quarter—

''(A) a description of the cost, schedule, and performance of all projects under the project manager's supervision;

''(B) the original and current project cost, schedule, and performance benchmarks for each project under the project manager's supervision;

''(C) the quarterly and cumulative cost, schedule, and performance variance related to each IT investment project under the project manager's supervision since the commencement of the project;

''(D) for each project under the project manager's supervision, any known, expected, or anticipated changes to project schedule milestones or project performance benchmarks included as part of the original or current baseline description;

''(E) the current cost, schedule, and performance status of all projects under supervision that were previously identified as significantly deviated or grossly deviated; and

''(F) any corrective actions taken to address problems discovered under subparagraphs (C) through (E).

''(2) INTERIM REPORTS.—If the project manager for an IT investment project determines that there is reasonable cause to believe that an IT investment project has significantly deviated or grossly deviated since the issuance of the latest quarterly report, the project manager shall submit to the Chief Information Officer, not later than 14 days after such determination, a report on the project that includes, as of the date of the report—

''(A) a description of the original and current program cost, schedule, and performance benchmarks;

''(B) the cost, schedule, or performance variance related to the IT investment project since the commencement of the project;

''(C) any known, expected, or anticipated changes to the project schedule milestones or project performance benchmarks included as part of the original or current baseline description;

''(D) the major reasons underlying the significant or gross deviation of the project; and

''(E) a corrective action plan to correct such deviations.

''(d) DETERMINATION OF SIGNIFICANT DEVIATION.—

''(1) CHIEF INFORMATION OFFICER.—Upon receiving a report under subsection (c), the Chief Information Officer shall—

''(A) determine if any IT investment project has significantly deviated; and

''(B) report such determination to the Agency Head.

''(2) CONGRESSIONAL NOTIFICATION.—If the Chief Information Officer determines under paragraph (1) that an IT investment project has significantly deviated and the Agency Head has not issued a report to the appropriate congressional committees of a significant deviation for that project under this section since the project was last required to be rebaselined under this section, the Agency Head shall submit a report to the appropriate congressional committees, the Director, and the Government Accountability Office that includes—

''(A) written notification of such determination;

''(B) the date on which such determination was made;

''(C) the amount of the cost increases and the extent of the schedule delays with respect to such project;

''(D) any requirements that—

''(i) were added subsequent to the original baseline; or

''(ii) were originally contracted for, but were changed by deferment or deletion from the original baseline, or were otherwise no longer included in the requirements contracted for;

''(E) an explanation of the differences between—

''(i) the estimate at completion between the project manager, any contractor, and any independent analysis; and

''(ii) the original budget at completion;

''(F) a statement of the reasons underlying the project's significant deviation; and

''(G) a summary of the plan of action to remedy the significant deviation.

''(3) DEADLINE.—

''(A) NOTIFICATION BASED ON QUARTERLY REPORT.—If the determination of significant deviation is based on a report submitted under subsection (c)(1), the Agency Head shall notify Congress and the Director in accordance with paragraph (2) not later than 21 days after the end of the quarter upon which such report is based.

''(B) NOTIFICATION BASED ON INTERIM REPORT.—If the determination of significant deviation is based on a report submitted under subsection (c)(2), the Agency Head shall notify Congress and the Director in accordance with paragraph (2) not later than 21 days after the submission of such report.

''(e) DETERMINATION OF GROSS DEVIATION.—

''(1) CHIEF INFORMATION OFFICER.—Upon receiving a report under subsection (c), the Chief Information Officer shall—

''(A) determine if any IT investment project has grossly deviated; and

''(B) report any such determination to the Agency Head.

''(2) CONGRESSIONAL NOTIFICATION.—If the Chief Information Officer determines under paragraph (1) that an IT investment project has grossly deviated and the Agency Head has not issued a report to the appropriate congressional committees of a gross deviation for that project under this section since the project was last required to be rebaselined under this section, the Agency Head shall submit a report to the appropriate congressional committees, the Director, and the Government Accountability Office that includes—

''(A) written notification of such determination, which—

''(i) identifies the date on which such determination was made; and

''(ii) indicates whether or not the project has been previously reported as a significant or

gross deviation by the Chief Information Officer, and the date of any such report;

''(B) incorporations by reference of all prior reports to Congress on the project required under this section;

''(C) updated accounts of the items described in subparagraphs (C) through (G) of subsection (d)(2);

''(D) the original estimate at completion for the project manager, any contractor, and any independent analysis;

''(E) a graphical depiction that shows monthly planned expenditures against actual expenditures since the commencement of the project;

''(F) the amount, if any, of incentive or award fees any contractor has received since the commencement of the contract and the reasons for receiving such incentive or award fees;

''(G) the project manager's estimated cost at completion and estimated completion date for the project if current requirements are not modified;

''(H) the project manager's estimated cost at completion and estimated completion date for the project based on reasonable modification of such requirements;

''(I) an explanation of the most significant occurrence contributing to the variance identified, including cost, schedule, and performance variances, and the effect such occurrence will have on future project costs and program schedule;

''(J) a statement regarding previous or anticipated rebaselining or replanning of the project and the names of the individuals responsible for approval;

''(K) the original life cycle cost of the investment and the expected life cycle cost of the investment expressed in constant base year dollars and in current dollars; and

''(L) a comprehensive plan of action to remedy the gross deviation, and milestones established to control future cost, schedule, and performance deviations in the future.

''(3) REMEDIAL ACTION.—

''(A) IN GENERAL.—If the Chief Information Officer determines under paragraph (1)(A) that an IT investment project has grossly deviated, the Agency Head, in consultation with the Chief Information Officer and the appropriate project manager, shall develop and implement a remedial action plan that includes—

''(i) a report that—

''(I) describes the primary business case and key functional requirements for the project;

''(II) describes any portions of the project that have technical requirements of sufficient clarity that such portions may be feasibly procured under fixed-price contracts;

''(III) includes a certification by the Agency Head, after consultation with the Chief Information Officer, that all technical and business requirements have been reviewed and validated to ensure alignment with the reported business case;

''(IV) describes any changes to the primary business case or key functional requirements which have occurred since project inception; and

''(V) includes an independent government cost estimate for the project conducted by an entity approved by the Director;

''(ii) an analysis that—

''(I) describes agency business goals that the project was originally designed to address;

''(II) includes a gap analysis of what project deliverables remain in order for the agency to accomplish the business goals referred to in subclause (I);

''(III) identifies the 3 most cost-effective alternative approaches to the project which would achieve the business goals referred to in subclause (I); and

''(IV) includes a cost-benefit analysis, which compares—

''(aa) the completion of the project with the completion of each alternative approach, after factoring in future costs associated with the termination of the project; and

''(bb) the termination of the project without pursuit of alternatives, after factoring in foregone benefits; and

''(iii) a new baseline of the project is established that is consistent with the independent government cost estimate required under clause (i)(V); and

''(iv) the project is designated as a core IT investment project and subjected to the requirements under subsection (f).

''(B) SUBMISSION TO CONGRESS.—The remedial action plan and all corresponding reports, analyses, and actions under this paragraph shall be submitted to the appropriate congressional committees and the Director.

''(C) REPORTING AND ANALYSIS EXEMPTIONS.—

''(i) IN GENERAL.—The Chief Information Officer, in coordination with the Agency Head and the Director, may forego the completion of any element of a report or analysis under clause (i) or (ii) of subparagraph (A) if the Chief Information Officer determines that such element is not relevant to the understanding of the challenges facing the project or that such element does not further the remedial steps necessary to ensure that the project is completed in a timely and cost-efficient manner.

''(ii) IDENTIFICATION OF REASONS.—The Chief Information Officer shall include the reasons for not including any element referred to in clause (i) in the report submitted to Congress under subparagraph (B).

''(4) DEADLINE AND FUNDING CONTINGENCY.—

''(A) NOTIFICATION AND REMEDIAL ACTION BASED ON QUARTERLY REPORT.—

''(i) IN GENERAL.—If the determination of gross deviation is based on a report submitted under subsection (c)(1), the Agency Head shall—

''(I) not later than 45 days after the end of the quarter upon which such report is based, notify the appropriate congressional committees and the Director in accordance with paragraph (2); and

''(II) not later than 180 days after the end of the quarter upon which such report is based, ensure the completion of remedial action under paragraph (3).

''(ii) FAILURE TO MEET DEADLINES.—If the Agency Head fails to meet the deadline described in clause (i)(II), additional funds may not be obligated to support expenditures associated with the project until the requirements of this subsection have been fulfilled.

''(B) NOTIFICATION AND REMEDIAL ACTION BASED ON INTERIM REPORT.—

''(i) IN GENERAL.—If the determination of gross deviation is based on a report submitted under subsection (c)(2), the Agency Head shall—

''(I) not later than 45 days after the submission of such report, notify the appropriate congressional committees in accordance with paragraph (2); and

''(II) not later than 180 days after the submission of such report, ensure the completion of remedial action in accordance with paragraph (3).

''(ii) FAILURE TO MEET DEADLINES.—If the Agency Head fails to meet the deadline described in clause (i)(II), additional funds may not be obligated to support expenditures associated with the project until the requirements of this subsection have been fulfilled.

''(f) ADDITIONAL REQUIREMENTS FOR CORE IT INVESTMENT PROJECT REPORTS.—

''(1) INITIAL REPORT.—If a remedial action plan described in subsection (e)(3)(A) has not been submitted for a core IT investment project, the Agency Head, in coordination with the Chief Information Officer and responsible program managers, shall prepare an initial report for inclusion in the first budget submitted to Congress under section 1105(a) of title 31, United States Code, after the designation of a project as a core IT investment project, which includes—

''(A) a description of the primary business case and key functional requirements for the project;

''(B) an identification and description of any portions of the project that have technical requirements of sufficient clarity that such portions may be feasibly procured under fixed-price contracts;

''(C) an independent government cost estimate for the project;

''(D) certification by the Chief Information Officer that all technical and business requirements have been reviewed and validated to ensure alignment with the reported business case; and

''(E) any changes to the primary business case or key functional requirements which have occurred since project inception.

''(2) QUARTERLY REVIEW OF BUSINESS CASE.—The Agency Head, in coordination with the Chief Information Officer and responsible program managers, shall—

''(A) monitor the primary business case and core functionality requirements reported to Congress and the Director for designated core IT investment projects; and

''(B) if changes to the primary business case or key functional requirements for a core IT investment project occur in any fiscal quarter, submit a report to Congress and the Director not later than 14 days after the end of such quarter that details the changes and describes the impact the changes will have on the cost and ultimate effectiveness of the project.

''(3) ALTERNATIVE SIGNIFICANT DEVIATION DETERMINATION.—If the Chief Information Officer determines, subsequent to a change in the primary business case or key functional requirements, that without such change the project would have significantly deviated—

''(A) the Chief Information Officer shall notify the Agency Head of the significant deviation; and

''(B) the Agency Head shall fulfill the requirements under subsection (d)(2) in accordance with the deadlines under subsection (d)(3).

''(4) ALTERNATIVE GROSS DEVIATION DETERMINATION.—If the Chief Information Officer determines, subsequent to a change in the primary business case or key functional requirements, that without such change the project would have grossly deviated—

''(A) the Chief Information Officer shall notify the Agency Head of the gross deviation; and

''(B) the Agency Head shall fulfill the requirements under subsections (e)(2) and (e)(3) in accordance with subsection (e)(4).''.

(b) INCLUSION IN THE BUDGET SUBMITTED TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''include in each budget the following:'' and inserting ''include in each budget—'';

(2) by redesignating the second paragraph (33) (as added by section 889(a) of Public Law 107–296) as paragraph (35);

(3) in each of paragraphs (1) through (34), by striking the period at the end and inserting a semicolon;

(4) in paragraph (35), as redesignated by paragraph (2), by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(36) the reports prepared under section 11317(f) of title 40, United States Code, relating to the core IT investment projects of the agency.''.

(c) IMPROVEMENT OF INFORMATION TECHNOLOGY ACQUISITION AND DEVELOPMENT.—Subchapter II of chapter 113 of title 40, United States Code, is amended by adding at the end the following:

''SEC. 11319. ACQUISITION AND DEVELOPMENT.

''(a) PURPOSE.—The objective of this section is to significantly reduce—

''(1) cost overruns and schedule slippage from the estimates established at the time the program is initially approved;

''(2) the number of requirements and business objectives at the time the program is approved that are not met by the delivered products; and

''(3) the number of critical defects and serious defects in delivered information technology.

''(b) OMB GUIDANCE.—The Director of the Office of Management and Budget shall—

''(1) not later than 180 days after the date of the enactment of this section, prescribe uniformly applicable guidance for agencies to implement the requirements of this section, which shall not include any exemptions to such requirements not specifically authorized under this section; and

''(2) take any actions that are necessary to ensure that Federal agencies are in compliance with the guidance prescribed pursuant to paragraph (1) not later than 1 year after the date of the enactment of this section.

''(c) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of the enactment of this section, each Chief Information Officer, upon the approval of the Agency Head (as defined in section 11317(a) of title 40, United States Code) shall establish a program to improve the information technology (referred to in this section as 'IT') processes overseen by the Chief Information Officer.

''(d) PROGRAM REQUIREMENTS.—Each program established pursuant to this section shall include—

''(1) a documented process for IT acquisition planning, requirements development and management, project management and oversight, earned-value management, and risk management;

''(2) the development of appropriate metrics that can be implemented and monitored on a real-time dashboard for performance measurement of—

''(A) processes and development status of investments;

''(B) continuous process improvement of the program; and

''(C) achievement of program and investment outcomes;

''(3) a process to ensure that key program personnel have an appropriate level of experience, training, and education, at an institution or institutions approved by the Director, in the planning, acquisition, execution, management, and oversight of IT;

''(4) a process to ensure that the agency implements and adheres to established processes and requirements relating to the planning, acquisition, execution, management, and oversight of IT programs and developments; and

''(5) a process for the Chief Information Officer to intervene or stop the funding of an IT investment if it is at risk of not achieving major project milestones.

''(e) ANNUAL REPORT TO OMB.—Not later than the last day of February of each year, the Agency Head shall submit a report to the Office of Management and Budget that includes—

''(1) a detailed summary of the accomplishments of the program established by the Agency Head pursuant to this section;

''(2) the status of completeness of implementation of each of the program requirements, and the date each such requirement was deemed to be completed;

''(3) the percentage of Federal IT projects covered under the program compared to all of the IT projects of the agency, listed by number of programs and by annual dollars expended;

''(4) a detailed breakdown of the sources and uses of the amounts spent by the agency during the previous fiscal year to support the activities of the program;

''(5) a copy of any guidance issued under the program and a statement regarding whether each such guidance is mandatory;

''(6) the identification of the metrics developed in accordance with subsection (b)(2);

''(7) a description of how paragraphs (3) and (4) of subsection (b) have been implemented and any related agency guidance; and

''(8) a description of how agencies will continue to review and update the implementation and objectives of such guidance.

''(f) ANNUAL REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall provide an annual report to Congress on the status and implementation of the program established pursuant to this section.''.

(d) CLERICAL AMENDMENTS.—The table of sections for chapter 113 of title 40, United States Code, is amended—

(1) by striking the item relating to section 11317 and inserting the following:

''11317. Significant and gross deviations.''; and

(2) by inserting after the item relating to section 11318 the following:

''11319. Acquisition and development.''.

SEC. 5. MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) DEFINITIONS.—Section 2445a of title 10, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§2445a. Definitions'';

(2) in subsection (a)—

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

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

(C) by adding at the end the following:

''(3) the Chief Information Officer, with the approval of the Secretary of Defense, determines that the program—

''(A) delivers a capability critical to the successful completion of the mission of the Department of Defense, or a portion of such mission;

''(B) incorporates unproven or previously undeveloped technology to meet primary program technical requirements; or

''(C) would have a significant negative impact on the successful completion of the mission of the Department of Defense if the program experienced significant cost, schedule, or performance deviations.''; and

(3) by adding at the end the following:

''(d) DEFINITIONS.—In this chapter:

''(1) CHIEF INFORMATION OFFICER.—The term 'Chief Information Officer' means the Chief Information Officer of the Department of Defense, designated under section 3506(a)(2) of title 44.

''(2) EARNED VALUE MANAGEMENT.—The term 'Earned Value Management' means the cost, performance, and schedule data used to determine the status of a major automated information system program that has been developed in accordance with the ANSI EIA–748–B Standard.

''(3) INDEPENDENT GOVERNMENT COST ASSESSMENT.—The term 'independent government cost assessment' means a pragmatic and neutral analysis, assessment, and quantification of all costs and risks associated with a major automated information system program developed and submitted by the Director of Independent Cost Assessment.''.

(b) COST, SCHEDULE, AND PERFORMANCE INFORMATION.—Section 2445b of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''Congress'' and inserting ''the Office of Management and Budget, the Government Accountability Office, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives'';

(2) in subsection (b), by adding at the end the following:

''(5) A description of the primary business case and key functional requirements for the program, including an analysis of alternatives;

''(6) An identification and description of any portions of the program that have technical requirements of sufficient clarity that such portions may be feasibly procured under firm, fixed-price contracts;

''(7) An independent government cost assessment for the project provided by the Director of Independent Cost Assessment;

''(8) Certification by the Chief Information Officer that all technical and business requirements have been reviewed and validated to ensure alignment with the reported business case; and

''(9) Any changes to the primary business case or key functional requirements which have occurred since the inception of the program.''; and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''to Congress''; and

(B) in paragraph (3), by striking ''the congressional defense committees'' and inserting ''the Office of Management and Budget, the Government Accountability Office, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives''.

(c) QUARTERLY REPORTS.—Section 2445c of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''identifying'' and inserting the following: ''that—

''(1) identifies'';

(B) by striking ''to Congress'';

(C) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(2) describes the cost, schedule, and performance of all programs under the program manager's supervision;

''(3) provides the original and current program cost, schedule, and performance benchmarks for each program under the program manager's supervision; and

''(4) for each program under the program manager's supervision, any known, expected, or anticipated changes to program schedule milestones or program performance benchmarks included as part of the original or current baseline description.'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''the congressional defense committees'' and inserting ''the Office of Management and Budget, the Government Accountability Office, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives''; and

(B) in paragraph (2), by striking ''to Congress'' each place it appears; and

(3) in subsection (d)—

(A) in paragraph (1)(B), by striking ''the congressional defense committees'' and inserting ''the Office of Management and Budget, the Government Accountability Office, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives''; and

(B) in paragraph (2), by striking ''to Congress'' each place it appears.

(d) REPORT ON SIGNIFICANT CHANGES IN PROGRAM.—Section 2445c(c) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(D) the Earned Value Management of the program has changed by at least 15 percent, but less than 25 percent.''; and

(2) by adding at the end the following:

''(3) NOTIFICATION REQUIREMENTS.—The notification required under paragraph (1) shall include—

''(A) the date on which the determination described in paragraph (2) was made;

''(B) the amount of the cost increases and the extent of the schedule delays with respect to such program;

''(C) any requirements that—

''(i) were added subsequent to the original contract; or

''(ii) were part of the original contract, but were changed by deferment or deletion from the original schedule, or were otherwise no longer included in the contract;

''(D) an explanation of the differences between—

''(i) the estimate at completion between the program manager, any contractor, and any independent analysis; and

''(ii) the original budget at completion;

''(E) a statement of the reasons underlying the program's significant changes; and

''(F) a summary of the plan of action to remedy the significant changes.

''(4) ALTERNATIVE SIGNIFICANT CHANGES DETERMINATION.—If the program manager determines, subsequent to a change in the primary business case or key functional requirements, that without such change the program would undergo significant changes—

''(A) the program manager shall notify the Secretary of Defense of the significant changes; and

''(B) the Secretary of Defense shall notify the congressional defense committees in accordance with the requirements of this subsection.''.

(e) REPORT ON CRITICAL CHANGES IN PROGRAM.—Section 2445c(d) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (C), by striking ''or'' at the end;

(B) in subparagraph (D), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(E) the Earned Value Management of the program has changed by at least 25 percent.''; and

(2) by adding at the end the following:

''(3) ALTERNATIVE CRITICAL CHANGES DETERMINATION.—If the program manager determines, subsequent to a change in the primary business case or key functional requirements, that without such change the program would undergo critical changes—

''(A) the program manager shall notify the Secretary of Defense of the critical changes; and

''(B) the Secretary of Defense shall fulfill the requirements described in subparagraphs (A) and (B) of paragraph (1).''.

(f) PROGRAM EVALUATION.—Section 2445c(e) of title 10, United States Code, is amended by striking ''cost and schedule'' in paragraphs (1) and (2) and inserting ''schedule and an independent government cost assessment provided by the Director of Independent Cost Assessment''.

(g) REPORT ON CRITICAL PROGRAM CHANGES.—Section 2445c(f) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by striking ''include a written certification'' and inserting the following: ''include—

''(1) a written certification'';

(3) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(E) all technical and business requirements have been reviewed and validated to ensure alignment with the reported business case; and

''(2) a description of—

''(A) the primary business case and key functional requirements for the program, including an analysis of alternatives;

''(B) any portions of the program that have technical requirements of sufficient clarity that such portions may be feasibly procured under firm, fixed-price type contract; and

''(C) any changes to the primary business case or key functional requirements which have occurred since the inception of the program.''.

(h) CLERICAL AMENDMENT.—The table of sections for chapter 144a of title 10, United States Code, is amended by striking the item relating to section 2445a and inserting the following:

''2445a. Definitions.''.

SEC. 6. IT SWAT TEAM.

(a) PURPOSE.—The Director of the Office of Management of Budget (referred to in this section as the ''Director''), in consultation with the Administrator of the Office of Electronic Government and Information and Technology at the Office of Management and Budget (referred to in this section as the ''E-Gov Administrator''), shall assist agencies in avoiding significant and gross deviations in the cost, schedule, and performance of IT investment projects (as such terms are defined in section 11317(a) of title 40, United States Code).

(b) IT SWAT TEAM.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the E-Gov Administrator shall establish a small group of individuals (referred to in this section as the ''IT SWAT Team'') to carry out the purpose described in subsection (a).

(2) QUALIFICATIONS.—Individuals selected for the IT SWAT Team—

(A) shall be certified at the Senior/Expert level according to the Federal Acquisition Certification for Program and Project Managers (FAC–P/PM);

(B) shall have comparable education, certification, training, and experience to successfully manage high-risk IT investment projects; or

(C) shall have expertise in the successful management or oversight of planning, architecture, process, integration, or other technical and management aspects using proven process best practices on high-risk IT investment projects.

(3) NUMBER.—The Director, in consultation with the E-Gov Administrator, shall determine the number of individuals who will be selected for the IT SWAT Team.

(c) OUTSIDE CONSULTANTS.—

(1) IDENTIFICATION.—The E-Gov Administrator shall identify consultants in the private sector who have expert knowledge in IT program management and program management review teams. Not more than 20 percent of such consultants may be formally associated with any 1 of the following types of entities:

(A) Commercial firms.

(B) Nonprofit entities.

(C) Federally funded research and development centers.

(2) USE OF CONSULTANTS.—

(A) IN GENERAL.—Consultants identified under paragraph (1) may be used to assist the IT SWAT Team in assessing and improving IT investment projects.

(B) LIMITATION.—Consultants with a formally established relationship with an organization may not participate in any assessment involving an IT investment project for which such organization is under contract to provide technical support.

(C) EXCEPTION.—The limitation described in subparagraph (B) may not be construed as precluding access to anyone having relevant information helpful to the conduct of the assessment.

(3) CONTRACTS.—The E-Gov Administrator, in conjunction with the Administrator of the General Services Administration (GSA), may establish competitively bid contracts with 1 or more qualified consultants, independent of any GSA schedule.

(d) INITIAL RESPONSE TO ANTICIPATED SIGNIFICANT OR GROSS DEVIATION.—If the E-Gov Administrator determines there is reasonable cause to believe that a major IT investment project is likely to significantly or grossly deviate (as defined in section 11317(a) of title 40, United States Code), including the receipt of inconsistent or missing data, or if the E–Gov Administrator determines that the assignment of 1 or more members of the IT SWAT Team could meaningfully reduce the possibility of significant or gross deviation, the E-Gov Administrator shall carry out the following activities:

(1) Recommend the assignment of 1 or more members of the IT SWAT Team to assess the project in accordance with the scope and time period described in section 11317(c)(1) of title 40, United States Code, beginning not later than 14 days after such recommendation. No member of the SWAT Team who is associated with the department or agency whose IT investment project is the subject of the assessment may be assigned to participate in this assessment. Such limitation may not be construed as precluding access to anyone having relevant information helpful to the conduct of the assessment.

(2) If the E-Gov Administrator determines that 1 or more qualified consultants are needed to support the efforts of the IT SWAT Team under paragraph (1), negotiate a contract with the consultant to provide such support during the period in which the IT SWAT Team is conducting the assessment described in paragraph (1).

(3) Ensure that the costs of an assessment under paragraph (1) and the support services of 1 or more consultants under paragraph (2) are paid by the major IT investment project being assessed.

(4) Monitor the progress made by the IT SWAT Team in assessing the project.

(e) REDUCTION OF SIGNIFICANT OR GROSS DEVIATION.—If the E-Gov Administrator determines that the assessment conducted under subsection (d) confirms that a major IT investment project is likely to significantly or grossly deviate, the E-Gov Administrator shall recommend that the Agency Head (as defined in section 11317(a)(1) of title 40, United States Code) take steps to reduce the deviation, which may include—

(1) providing training, education, or mentoring to improve the qualifications of the program manager;

(2) replacing the program manager or other staff;

(3) supplementing the program management team with Federal Government employees or independent contractors;

(4) terminating the project; or

(5) hiring an independent contractor to report directly to senior management and the E-Gov Administrator.

(f) REPROGRAMMING OF FUNDS.—

(1) AUTHORIZATION.—The Director may direct an Agency Head to reprogram amounts which have been appropriated for such agency to pay for an assessment under subsection (d).

(2) NOTIFICATION.—An Agency Head who reprograms appropriations under paragraph (1) shall notify the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives of any such reprogramming.

(g) REPORT TO CONGRESS.—The Director shall include in the annual Report to Congress on the Benefits of E-Government Initiatives a detailed summary of the composition and activities of the IT SWAT Team, including—

(1) the number and qualifications of individuals on the IT SWAT Team;

(2) a description of the IT investment projects that the IT SWAT Team has worked during the previous fiscal year;

(3) the major issues that necessitated the involvement of the IT SWAT Team to assist agencies with assessing and managing IT investment projects and whether such issues were satisfactorily resolved;

(4) if the issues referred to in paragraph (3) were not satisfactorily resolved, the issues still needed to be resolved and the Agency Head's plan for resolving such issues;

(5) a detailed breakdown of the sources and uses of the amounts spent by the Office of Management and Budget and other Federal agencies during the previous fiscal year to support the activities of the IT SWAT Team; and

(6) a determination of whether the IT SWAT Team has been effective in—

(A) preventing projects from deviating from the original baseline; and

(B) assisting agencies in conducting appropriate analysis and planning before a project is funded.

SEC. 7. AWARDS FOR PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF INFORMATION SYSTEMS AND INFORMATION TECHNOLOGY.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Director of the Office of Personnel Management shall develop policy and guidance for agencies to develop a program to recognize excellent performance by Federal Government employees and teams of such employees in the acquisition of information systems and information technology for the agency.

(b) ELEMENTS.—The program referred to in subsection (a) shall, to the extent practicable—

(1) obtain objective outcome measures; and

(2) include procedures for—

(A) the nomination of Federal Government employees and teams of such employees for eligibility for recognition under the program; and

(B) the evaluation of nominations for recognition under the program by 1 or more agency panels of individuals from government, academia, and the private sector who have such expertise, and are appointed in such a manner, as the Director of the Office of Personal Management shall establish for purposes of the program.

(c) AWARD OF CASH BONUSES AND OTHER INCENTIVES.—As part of the program referred to in subsection (a), the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall establish policies and guidance for agencies to reward any Federal Government employee or teams of such employees recognized pursuant to the program—

(1) by awarding a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law;

(2) through promotions and other nonmonetary awards;

(3) by publicizing acquisition accomplishments by individual employees and, as appropriate, the tangible end benefits that resulted from such accomplishments; and

(4) through other awards, incentives, or bonuses that the head of the agency considers appropriate.

Mr. DODD. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be considered; that a Carper-Collins amendment, which is at the desk, be agreed to; that the committee substitute, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4147) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 920), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

SILVER STAR SERVICE BANNER DAY

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 534, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 534) expressing support for designation of May 1, 2010, as ''Silver Star Service Banner Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. 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. 534) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 534

Whereas the Senate has always honored the sacrifices made by the wounded and ill members of the Armed Forces;

Whereas the Silver Star Service Banner has come to represent the members of the Armed Forces and veterans who were wounded or became ill in combat in the wars fought by the United States;

Whereas the Silver Star Families of America was formed to help the American people remember the sacrifices made by the wounded and ill members of the Armed Forces by designing and manufacturing Silver Star Service Banners and Silver Star Flags for that purpose;

Whereas the sole mission of the Silver Star Families of America is to evoke memories of the sacrifices of members and veterans of the Armed Forces on behalf of the United States through the presence of a Silver Star Service Banner in a window or a Silver Star Flag flying;

Whereas the sacrifices of members and veterans of the Armed Forces on behalf of the United States should never be forgotten; and

Whereas May 1, 2010, is an appropriate date to designate as ''Silver Star Service Banner Day'': Now, therefore, be it

Resolved, That the Senate designates May 1, 2010, as ''Silver Star Service Banner Day'' and calls upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

HONORING THE PRESIDENT OF MEXICO

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 535, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 535) honoring the President of Mexico, Felipe Calderon Hinojosa, for his service to the people of Mexico, and welcoming the President to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 535) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 535

Whereas the relationship between the people and Governments of the United States and Mexico is based on trust, mutual respect, and cultural exchanges that have enriched both nations;

Whereas our two nations share not just a border, but also common values and common aspirations;

Whereas millions of Americans proudly claim Mexican ancestry, and the United States is home to the world's second largest Mexican community;

Whereas, when the American people look to their south, they see not only a neighbor, but an ally and a friend;

Whereas mutual interests, including border security, economic prosperity, and clean energy, rely on the continuing development and deepening of the United States-Mexico relationship;

Whereas drug trafficking and related violence has taken a significant toll on both countries, resulting in the deaths of more than 22,000 people in Mexico in the last 3 years, including a number of law enforcement agents and public officials, highlighting the enormous problem of illegal drug use and gang violence in America;

Whereas the Governments of Mexico and the United States have worked together under the principle of shared responsibility to address this scourge through the Merida Initiative and through programs such as cooperative intelligence, border security, and anti-corruption efforts and efforts to stop the flow of weapons and illicit money from the United States into Mexico; and

Whereas the future security and prosperity of both nations depends on our continuing ability to work together in the spirit of our common values and long friendship: Now, therefore, be it

Resolved, That the Senate—

(1) warmly welcomes the President of Mexico, Felipe Calderon Hinojosa;

(2) believes that together, the Governments of Mexico and the United States can bring immense benefits to their people and make enormous contributions to addressing the global challenges of the 21st century;

(3) looks forward to the continuing progress in relations between the Governments and people of Mexico and the United States; and

(4) appreciates the social, economic, and cultural contributions of the Mexican community in the United States and desires closer relations between the people of the United States and the people of Mexico.

Mr. DODD. Mr. President, that was my resolution, so I am glad it passed unanimously.

ORDERS FOR THURSDAY, MAY 20, 2010

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, May 20; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be

deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 3217, Wall Street reform; further, that the filing deadline for second-degree amendments be 1:30 p.m.; the mandatory quorum with respect to the substitute amendment No. 3739 and S. 3217 be waived. Finally, I ask unanimous consent that the Senate recess from 10:40 a.m. to 12 noon to allow for a joint meeting of Congress.

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

PROGRAM

Mr. DODD. Mr. President, tomorrow, His Excellency Felipe Calderon Hinojosa, the President of Mexico, will address a joint meeting of Congress from the Hall of the House of Representatives. Senators are invited to attend the joint meeting. The Senate will gather in the Chamber at 10:30 a.m. and depart at 10:40 a.m. to proceed as a body to the Hall of the House.

Under a previous order, the cloture vote on the Dodd-Lincoln substitute amendment will occur at 2:30 p.m. tomorrow. Votes in relation to amendments prior to the cloture vote are possible.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DODD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:27 p.m., adjourned until Thursday, May 20, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

PATRICK S. MOON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BOSNIA AND HERZEGOVINA.

CHRISTOPHER W. MURRAY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE CONGO.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

STEPHEN W. AUSTIN
JAMES R. BOULWARE
DAVID S. BOWERMAN
GARY W. BRAGG
DOYLE M. COFFMAN
CLOYD L. COLBY
DAVID E. COOPER
THOMAS W. COX
BETH M. ECHOLS
JONATHAN J. ETTERBEEK
MARK A. FREDERICK
ALBERT J. GHERGICH, JR.
WILLIAM C. HARRISON
DARRYL E. HOLLOWELL
STEVEN R. JERLES
MILTON JOHNSON
MARK R. JOHNSTON
JOHN W. KAISER, JR.
JOSEPH H. KO
RODIE L. LAMB
DAVID M. LOCKHART
ROBERT C. LYONS
GIAN S. MARTIN
ROBERT NAY
KEVIN M. PIES
CHARLES B. RIZER
STEVEN J. ROBERTS
SCOTT R. SHERRETZ
JERRY C. SIEG
SID A. TAYLOR, SR.
ADGER S. TURNER
DAVID E. WAKE
JEFFREY B. WALDEN
DALLAS M. WALKER
STANLEY E. WHITTEN
NATHAN L. ZIMMERMAN

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

JAMES L. BROWN
RONALD L. HARRELL
STEPHEN W. PAULETTE

To be commander

MARK D. BOWMAN
KENNETH D. SMITH

To be lieutenant commander

DAVID K. HAZELHURST
MICHAEL A. OGDEN
MATTHEW B. REED

CONFIRMATION

Executive nomination confirmed by the Senate, Wednesday, May 19, 2010:

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL MICHAEL J. WALSH

WITHDRAWAL

Executive Message transmitted by the President to the Senate on May 19, 2010 withdrawing from further Senate consideration the following nomination:

ARMY NOMINATION OF MAJ. GEN. JOSEPH J. TALUTO, TO BE LIEUTENANT GENERAL, WHICH WAS SENT TO THE SENATE ON MAY 12, 2009.

EXTENSIONS OF REMARKS

TRIBUTE TO DR. RODNEY WILLIAM BORGER

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. BACA. Madam Speaker, I stand here today to honor a respected citizen, and dedicated practitioner of the art of medicine, Dr. Rodney William Borger.

Today, I rise to congratulate Dr. Borger for his loyalty, service and commitment to the Community of San Bernardino. I congratulate him on a job well done as the outgoing president of the San Bernardino County Medical Society.

Dr. Borger is a devoted servant-leader in our community. For this reason, I join today with my district to express our gratitude to Dr. Borger for his exemplary commitment to Hippocratic values, and their application to society.

Dr. Borger received his medical degree from Loma Linda University, completing his internship and residency in emergency medicine at Loma Linda University Medical Center. Today, he is Chair of the Department of Emergency Medicine at Arrowhead Regional Medical Center in Colton.

Dr. Borger is actively involved with the San Bernardino County Medical Society and California Medical Association. He sits on the San Bernardino County Medical Society Board of Directors, while chairing the Emergency Medical Service Funds Committee and the Finance Committee, and serving on the Executive, Nominating and Legislative Committees.

Dr. Borger is Commander of the San Bernardino County Sheriff Medical Reserve Corps, a community based group of volunteers who donate their time and expertise to respond to emergencies, by supplementing existing emergency response and public health resources.

A tireless champion, Dr. Borger is also Medical Director of the San Bernardino County Jail's Medical Care System and serves on the State of California's Public Health Advisory Committee.

He is a Fellow of the American College of Emergency Physicians and volunteers for the Speakers Bureau of physician volunteers, addressing community organizations on health issues.

This past March, Dr. Borger, medical student leaders and physician leaders traveled to the American Medical Association National Advocacy Conference to personally meet with members of Congress to advocate on the behalf of seniors, veterans, Medicare and Medicaid reform.

Thanks in part to these efforts, Congress has informed the California Medical Association that it is passing a temporary measure to allow the possibility of passing a more permanent solution to Sustainable Growth Rate cuts.

Revered for extensive awards, honors, certifications, biomedical research, affiliations, teaching experience, and charitable service, Dr. Borger has volunteered at a hospital in Botswana, Africa, and with Social Action Corps, UC Irvine Medical Center Family Practice Clinic and the Looking Good Program.

Madam Speaker, all of this philanthropy makes Dr. Borger ''look good.'' Not only is he a generous human being but he is a renowned and compassionate physician.

Madam Speaker, Dr. Borger will be completing his term as the 117th president of the San Bernardino County Medical Society on Wednesday, June 23, 2010. It is fitting, on such an occasion, that we stand here today to honor Dr. Borger, for exceptional service and leadership in a profession respected by all people and in all times.

TRIBUTE TO MS. KAY FRANCIS LANCE (DYSON) MURRAY

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. RUSH. Madam Speaker, it is often difficult to find words to express the depth of one's feelings with the passing of a friend and constituent, nevertheless, I rise today to pay tribute to a public administrator, community leader, entrepreneur, humanitarian and family woman, the late Kay Francis Lance (Dyson) Murray, who made her heavenly transition on Tuesday, May 11, 2010.

Kay dedicated her life towards making a difference in the lives of other people. She was a shining example of how God can use even the ordinary to accomplish the extraordinary. Indeed, many who have had the privilege of knowing and associating with her have come to recognize that they are much better the person as a result.

The first woman Assistant Commissioner and Deputy Commissioner of the Chicago Department of Streets and Sanitation, Kay also served as Chief of Staff in the Illinois Department of Professional Regulation and Executive Assistant in the Cook County Circuit Court Clerk's Office. Kay received a Bachelor's of Science degree from Roosevelt University, Master's of Education degree from Northeastern Illinois University, a graduate certificate from Cortez Peters Business School, a Management Development Program Certificate from Harvard University and a State of Illinois Real Estate License. Kay also copartnered two designer clothing ventures and co-owned a limousine service in Chicago's Hyde Park community.

Kay was a faithful member of the Apostolic Church of God and served with distinction as Secretary/Treasurer of the North Washington Park Community Organization; President of Jackson Park Hospital Women's Board; Member of the Jackson Park Hospital Board of Directors; Member of Jackson Park Hospital Foundation and President of the Genesis House Board of Directors. In addition to helping me in my congressional re-election efforts, Kay worked at the grass roots and community level for numerous public officials including the late Chicago Alderman Claude Holman, former Alderman and current Cook County Chief Judge Timothy Evans, the late Mayor Harold Washington and Clerk of the Circuit Court Dorothy Brown.

Madam Speaker, I want to encourage her devoted son Gary, her siblings, the entire family and the many friends of Ms. Kay Francis Lance (Dyson) Murray to always remember to look to the hills from which comes all of their help, trusting that their help will surely come from the Lord. I am truly blessed to have known and worked with her. I am honored to pay tribute to this outstanding public servant and privileged to enter these words into the CONGRESSIONAL RECORD of the United States House of Representatives.

CHRISTIAN G. FOLSOM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christian G. Folsom. Christian is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America in both Troops 9 and 271, and earning the most prestigious award of Eagle Scout.

Christian has been very active with his troops, participating in many scout activities. Over the many years Christian has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Christian has contributed to his community through his Eagle Scout project. Christian planned and built five parking bollards with handicap signs to protect children playing in the First United Methodist Church of North Kansas City's playground.

Madam Speaker, I proudly ask you to join me in commending Christian G. Folsom for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE WORK OF CHAD BOUTON

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. TIBERI. Madam Speaker, with great pleasure I rise to recognize the distinguished work and accomplishments of Chad Bouton.

The economic prosperity of our nation has always derived from the vitality of the American innovator. Through firm resolve and unparalleled imagination, these men and women

help discover the ideas, practices or products that fuel our country's progress. During these challenging economic times, it is all the more important to recognize their influence in affirming the limitless potential of our great country; therefore, I am happy to recognize one such individual: Mr. Chad Bouton, who was recently honored by Central Ohio's own Battelle Memorial Institute as the Battelle Inventor of the Year.

Since 1997, Chad Bouton has marked himself as a stand-out talent at Battelle. He worked as the primary innovator, inventor and principal investigator for dozens of medical device projects, from enabling paraplegics to control wheelchairs with their thoughts to providing surgeons with tools to enable minimally invasive surgical procedures. His passion for his work has led Chad to be honored with two R&D Magazine "Top 100" awards, several Battelle Outstanding Technical Achievement Awards, as well as, having nine of his works published in numerous scholarly journals.

Through the ingenuity of his thinking and tenacity of his work, Chad stands as an example to many across our country. Therefore, I am very pleased to thank him for all he has done for our country, and on behalf of Ohio's 12th Congressional District, congratulate him on his most recent award.

CONGRATULATING EDDIE REYES, WINNER OF THE 2010 MINORITY SMALL BUSINESS CHAMPION OF THE YEAR AWARD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. BURGESS. Madam Speaker, today I rise to congratulate Eddie Reyes, who has been named the 2010 Minority Small Business Champion of the Year by the United States Small Business Administration.

Reyes, coordinator of the Historically Underutilized Business (HUB) program at the University of North Texas (UNT) in Denton, Texas, will be honored at the Small Business Administration's National Small Business Week celebration in Washington, DC, May 23–25, 2010. Joining award winners from across the country, Reyes will be recognized for his personal successes as a small business owner, the contributions he has made to small businesses and the economic well-being of the country, and the special impact made by outstanding entrepreneurs and small business owners.

Reyes works with UNT and state programs to reveal opportunities to bid on goods or services and helps small business owners navigate the procurement process. He also informs them on how to obtain certification as a HUB vendor. Reyes deserves many thanks for his outstanding achievements and continuing dedication to UNT and to small business.

Reyes has received many notable honors, including being the first-ever International Business Achievement Award Recipient by the Greater Dallas Chamber, the Texas Association of Mexican-American Chambers of Commerce's H.U.B. Coordinator of the Year Award, the Pillar of the Community Award from the D/FW Association of Hispanic Contractors, and Small Business Advocate of the Year by Alliance Texas, among others.

Reyes was born and raised in the Dallas-Fort Worth area and continues to live in the area with his wife. He hosts "Diversity in Action with Eddie Reyes," a business radio program that offers information about being a successful minority or woman-owned business.

Madam Speaker, it is with great honor that I rise today and congratulate Eddie Reyes, winner of the 2010 Minority Small Business Champion of the Year award. It is an honor to represent Reyes and many small businesses across North Texas in the United States Congress.

IN HONOR OF RANCOCAS VALLEY REGIONAL HIGH SCHOOL'S NJROTC PROGRAM

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today for the purpose of honoring the Rancocas Valley Regional High School's NJROTC program, which has been honored as a distinguished unit by the United States Navy. The program, which was established at the school in 1975, has been recognized for the seventh straight year for its academic, leadership and professional development.

The Rancocas Valley Regional High School's Navy Junior ROTC program, led by Bert DeJong, a retired lieutenant commander from the Coast Guard, and Dave Aupperle, a retired Navy chief petty officer, includes more than 100 students. The cadets learn about various naval topics and participate in such activities as drill competitions, community service and physical fitness training. Throughout their history, the Rancocas Valley unit has won many awards, including a state championship in drills and a first-runner up in the Northeast regional drills competition.

Additionally, the unit performs a great deal of community service, including parades, a walk to benefit children with Down syndrome, a cleanup day in Eastampton, NJ, veterans and senior citizens dinners, recycling efforts, work with the local Elks lodge, and assisting families of military personnel serving abroad.

I am extremely proud of the unit for their continuous example of leadership and community service. Madam Speaker, I hope that you will join me in commending the Rancocas Valley Regional High School's Navy Junior ROTC program.

HONORING THE LIFE OF LENA HORNE

SPEECH OF

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. ROHRABACHER. Mr. Speaker, I rise in support of H. Res. 1362, which celebrates the life and achievements of Lena Mary Calhoun Horne, and honors her for her triumphs against racial discrimination and her steadfast commitment to the civil rights of all people.

Lena Horne was a trail-blazing performing artist whose life exemplified her commitment to social justice, peace, and civil rights. During World War II, she paid her own way to travel and entertain the troops at Army camps for the USO, and became an outspoken critic of the treatment of African-American servicemen, many of whom had to sit behind German Prisoners of War during her performances.

Ms. Horne went on to participate in numerous civil rights rallies and demonstrations, and used her poise, grace, and courage to pave the way for generations of women and African-Americans. Our nation is better because of Lena Horne and those like her, and it is right and fitting that we honor her on the House floor today.

HONORING DIETER HEINZ DUBBERKE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Dieter Heinz Dubberke upon being awarded with the Americanism Medal from the National Society Daughters of the American Revolution. Mr. Dubberke will be recognized and honored by the Merced River Chapter, National Society Daughters of the American Revolution on Saturday, April 24, 2010.

Mr. Dieter Dubberke grew up in Natzlaff, Germany in the late 1930s. As a young child, his mother and brother moved around Germany, attempting to flee from the Russians as they swept through parts of Germany. The three were finally able to reach Reinbek, a city in the Western Sector, where they were reunited with his maternal grandmother. At the age of 13, Mr. Dubberke's mother passed away, leaving him and his brother to care for their elderly grandmother. It was decided that the brothers would travel to the United States, where they would be adopted by their uncle Max Dubberke.

Arriving in the United States, Mr. Dubberke settled in with his uncle and attended high school in Culver City, California. Upon graduating from high school, he joined the United States Army. He served in the Army for 3 years, and then returned to California to marry his high school sweetheart, Diane, and began working for the Safeway Corporation.

Mr. Dubberke eventually moved to Mariposa, California. With his strong entrepreneurial spirit and grocery experience, he opened a small mini-mart. Later, he established Pioneer Market in Mariposa, and Dubberke and Dubberke Investments. Today, he serves as Chief Executive Officer of Dubberke and Dubberke Investments, which has five entities and eighty employees.

Mr. Dubberke is an instrumental part of the Mariposa community. He values and displays hard work, common sense, determination, honor and integrity. He is a champion of small business owners' rights and in his own business he hires local people, especially high school students, and provides generous benefits to his employees. Mr. Dubberke sponsors the annual Grizzly Family Hoedown, an event that has raised more than $20,000 in funds for transportation to non-league athletic events. He also sponsors the annual Mariposa High School Golf Tournament, in support of the

school's athletic programs. He initiated the Sports Challenge program, whereby he contributes one percent of collected receipts to school sports and exercise programs to Mariposa Elementary School. Mr. Dubberke often supplies ice to booths, concessions and exhibitors during the annual Mariposa County Fair, Homecoming and other community events.

Mr. Dubberke has held numerous leadership positions. He was appointed by the Governor to the Mariposa County Fair, Board of Directors. He has also served on the Mariposa County Water Agency Advisory Board and is past president of the Sierra Edelweiss German Club. For his tremendous service to his community, Mr. Dubberke has been honored with the Western Fairs Association's Blue Ribbon Award, Central California Excellence in Business Award in 2005, California Outstanding Retailer of the Month and was named Businessman of the Year in 2000 by the Mariposa County Chamber of Commerce.

The Americanism Medal is awarded to a person that has demonstrated extraordinary qualities of leadership, trustworthiness, service and patriotism. Mr. Dubberke has certainly met those qualifications; he understands the responsibility as an American citizen to respect the flag, teach others to support our Constitution, participate in government and to give back to our country. Mr. Dubberke recently published a book, ''Three Times Blessed,'' in which he teaches valuable lessons on what it takes to find true happiness and success.

Mr. Dubberke and his wife have been married for over 50 years; they have four children and eight grandchildren.

Madam Speaker, I rise today to commend and congratulate Dieter Dubberke upon being honored with the Americanism Medal. I invite my colleagues to join me in wishing Mr. Dubberke many years of continued success.

HONORING DONALD OETMAN ON HIS RETIREMENT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. STUPAK. Madam Speaker, I rise to recognize Donald Oetman of Allegan as he retires from the International Union UAW after 45 years of loyal and dedicated service as a member and officer of the United Auto Workers. Since 2002, Don has served as director of UAW Region 1D, a vast district covering 62 counties that spans western, central and northern regions of Michigan, including the Upper Peninsula. During his service he has been a committed and enthusiastic voice for the working men and women and retirees of UAW Region 1D.

In 1963, shortly after graduating high school, Don went to work at Micromatic Textron in Holland, Michigan. Two years later, Don served as a member on the committee of plant workers that came together to form their own UAW local union—UAW Local 1502. Not only did these union supporters win the organizing drive, they also successfully negotiated the first contract with management.

Don quickly rose within the UAW when he was asked to serve as vice president of the newly formed UAW Local 1502, becoming president in 1967. Don was also chosen as bargaining chairperson of his local, in addition to his duties as president. He served in these capacities until 1984 when he was appointed by UAW President Owen Bieber and Director Robert Fliearman to the International Union UAW staff as a service representative of the Region 1D staff. Don went on to serve as assistant director to the 1D region from 1995–2002 and was elected director of Region 1D in 2002, and re-elected in 2006.

From the beginning, Don has understood the importance of community and has been active throughout the labor community and his community in West Michigan. He has served on the board of directors for several community organizations, including the Michigan Association of United Ways, the Red Cross, and the Michigan State University Labor Studies program. He also serves on the Muskegon and Kalamazoo Labor/Management Joint Participation Committees, the Workforce Development Board for Allegan and Kent Counties, the Coalition for Labor Union Women, and was a Local Union Discussion Leader for the Stewards/Committeemen training and for high school labor studies classes.

It is indicative of Don's big heart and giving nature that when he looks back over the past 45 years, he considers his greatest accomplishment as having served so many UAW members, retirees and their families. He was especially fond of telling the stories of the UAW in days past to the young staff he worked with, and in sharing this history Don has helped to pass his knowledge and enthusiasm onto the next generation of UAW leaders. For Don, it truly is the people within the UAW family that have made his many years with the UAW so rewarding.

While he is closing one chapter in his life, Don is looking forward to another that includes being at home with his wife Corlyn and helping with the yard work, spending more time with his three children and his grandchildren, enjoying a few more rounds of golf, and doing some fishing. He will also stay active in his church and the Allegan Democratic Party.

Madam Speaker, Don has made a lifetime of contributions to organized labor and his community, looking out for the best interests of workers across Michigan. He has exceeded the call to service in his professional and personal life, demonstrating leadership by example for generations of UAW members. Therefore Madam Speaker, I ask that you, and all of my colleagues in the U.S. House of Representatives, join me in honoring UAW Region 1D Director Donald Oetman and congratulating him on his retirement from International Union UAW.

TRIBUTE TO THE MORRISTOWN JEWISH CENTER BEIT ISRAEL

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Morristown Jewish Center Beit Israel, of Morristown, New Jersey, which is celebrating its 80th Anniversary in 2010.

The Morristown Jewish community was first incorporated as a formal religious body on January 5, 1899 as the House of Israel. Their first meeting place was at 4 Race Street, where Hebrew School classes were held and services were conducted. As the congregation grew, it moved several times to accommodate the expanding membership. In 1918, the religious body purchased a three-story Victorian home at 177 Speedwell Avenue in Morristown. The building was remodeled to accommodate religious services and religious school classes.

Between 1921 and 1924, the idea of creating a multi-purpose community center arose. During this time period, a demand for wider use of the facility for religious, cultural and social purposes developed. The desire for a building suited to these multiple purposes gained momentum. Maurice Epstein, founder of the M. Epstein Department Store, led a campaign to raise $34,000 toward this goal. Shortly thereafter, plans were presented to the membership and the cornerstone of the new building was laid on March 3, 1929.

From the 1930's through the 1950's, Jewish community life revolved around the center. In the 1960's additional classrooms and a new social hall were built and in the 1980's the former gymnasium was converted into a ballroom. In 1987, the building, listed on the National Register, received a Heritage Commission marker. A nursery school was added in 1992.

Culturally, socially and spiritually, the Morristown Jewish Center Beit Israel has been a positive force in people's lives, and its members continue to enrich the well-being of Morristown and the surrounding area through its presence.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Morristown Jewish Center Beit Israel as it celebrates its 80th Anniversary.

COMMEMORATING NATIONAL TEACHER WEEK

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Ms. MCCOLLUM. Madam Speaker, I rise today in support of H. Res. 1312, a resolution commemorating National Teacher Week. This week in May recognizes the millions of educators who play an integral role in shaping the lives of children across the country.

Teachers are charged with the essential responsibility of preparing the youngest generation of Americans to compete and excel in our global economy. Every day, they sacrifice for the sake of their students. They are relentless and admirable in performing a difficult and sometimes thankless job. They walk into their classrooms and face a daunting task—ensuring each student learns and succeeds.

That is why I'm working for our students, teachers and schools, especially during these economic hard times. Without federal aid to protect education jobs, budget crises at the State and local level will result in increased class sizes and massive layoffs. As a Member of Congress, it is my job to do what I can to make sure classroom doors stay open so students can learn. Last year, I voted for the American Recovery and Reinvestment Act (P.L. 111–5), which saved or created over 400,000 teaching jobs nationally, and nearly 7,000 in Minnesota.

In addition, I support the creation of a $23 billion Education Jobs Fund. Without this injection of federal funding, hundreds of thousands of teachers across the country will be laid off, resulting in increased class sizes and reduced quality of education. This job-saving provision was incorporated in two bills I supported: the Jobs for Main Street Act, H.R. 2847, which passed the House last December, and the Local Jobs for America Act, H.R. 4812, still pending in the House. I join many of my colleagues in urging the Senate to include this fund in their next jobs package.

Each one of us has had a teacher who made a difference in our lives. I am honored to commemorate this valuable core of our community. I am also pleased to join students and teachers at Maxfield Elementary in St. Paul Public School District 625 and all Minnesotans in congratulating 6th grade teacher Ryan Vernosh as the 2010 Minnesota Teacher of the Year. This recognition is a reflection of his commitment and dedication to making a positive impact on students' academic success in his classroom. Mr. Vernosh is one of our finest teachers and is deserving of this honor.

For these reasons, I urge my colleagues to thank the teachers who have made differences in their lives and honor them by supporting H. Res. 1312.

IN HONOR OF TIMOTHY E. RYAN

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. ADLER of New Jersey. Madam Speaker, as a representative of the nearly 66,000 veterans in my district, I rise today to recognize the men and women who have selflessly sacrificed their lives to serve our country. On May 28, 2010, the Ocean County Veterans Memorial Association will conduct a wreath laying ceremony to honor all deceased veterans.

I would further like to recognize the host of the memorial service, Mr. Timothy E. Ryan, for the extraordinary contributions that he has done for the local veterans of Ocean County.

Mr. Ryan is a charter member of the Ocean County Deceased Veterans Memorial Association and a longtime sponsor of the annual wreath laying memorial service. He has been named 'Outstanding Citizen of the Year' by local VFW groups, and has been awarded several high honors by the Jersey Shore Council of the Boy Scouts of America. He serves as Director of Timothy E. Ryan Home for Funerals, the largest family-owned firm in New Jersey.

The 14th Annual Veterans Wreath Laying Ceremony and Memorial Service honoring the deceased veterans of Ocean County will occur on May 28, 2010 at the Ocean County Library. In recognition of his outstanding contributions and service to our veteran community, I urge my colleagues to join me in honoring Mr. Timothy E. Ryan.

HONORING MR. DAVID PRINCE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. David Prince. Mr. Prince served his constituency faithfully and justly during his tenure as the Village Justice in the Village of Fredonia.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Prince served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Prince is one of those people and that is why, Madam Speaker, I rise to pay tribute to him today.

CONGRATULATING LINDA GRANT

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. ALEXANDER. Madam Speaker, it is with great pride that I rise today to congratulate Linda Grant for being named the 2010 Direct Support Professional (DSP) of the Year for Louisiana. The American Network of Community Options and Resources (ANCOR) recently honored Linda with this wonderful recognition.

As a DSP, Linda works to support people with disabilities through community-based services that promote independence and inclusion for individuals with intellectual, behavior and other disabilities. This award is testament that Linda is a true leader for her work assisting those with disabilities to live meaningful and productive lives.

She is an example of how one person can change the lives of many, and I commend Linda for her hard work and dedication to making a positive difference in the community. I ask my colleagues to join me in honoring Linda Grant for this significant achievement.

A TRIBUTE TO JOSEPH W. COTCHETT ON THE OCCASION OF NOTRE DAME DE NAMUR UNIVERSITY'S 2010 COMMUNITY SPIRIT AWARD GALA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Ms. ESHOO. Madam Speaker, it can be said that the word extraordinary has become too commonplace a term used in all-too-ordinary circumstances.

I rise today in appreciation of a man who fully embodies that word, a truly extraordinary man—Joseph W. Cotchett.

He is a man of passion and great intellect, a man of incredible attention to detail, a broad, sweeping embrace for all life has to offer, and a serious man capable of great joy. He has a thirst for fairness, a passion for justice and an unquenchable desire to speak for those who cannot speak for themselves.

On the evening of May 22, 2010, Joe is being honored with the Notre Dame de Namur University 2010 Community Spirit Award. The event is sold out and will be attended by friends, colleagues and admirers, each with a story about Joe standing at their side in a time of need. Similarly, the Honorary Gala Committee is more than 150 names long and represents every profession and every walk of life that Joe has touched—labor, sports, finance, entertainment, the environment, politics . . . including the Speaker of the House, and, of course, his beloved profession of the law.

Joe embodies the finest values of our great nation. With an abiding love for his country, Joe served in the U.S. Army in the Intelligence Corps, the Judge Advocate General's Corps, and as a paratrooper in Special Forces. After active duty, he remained in the Army Reserve for more than 30 years, retiring as a Colonel.

His generosity is legendary . . . whether making a major gift to his alma mater, California Polytechnic University, San Luis Obispo, where he received a degree in Engineering, or the University of California Hastings College of the Law, where he received his law degree. He gives everywhere and to everyone and in countless ways—rebuilding a landmark grocery store in Half Moon Bay, buying a table at the annual fundraising events of dozens of local nonprofits, or serving as a board member to dozens of others.

Then there is Joe Cotchett, the lawyer. He has been named one of our nation's preeminent trial lawyers for more than decade, winning every recognition in his profession. He has won judgment after judgment—totaling billions of dollars—on behalf of investors defrauded by modern-day robber barons.

Often donating the time and resources of his talented law firm, Joe has defended the First Amendment against corporate bullying, defended citizens against the oppressive hand of government, brought suit on behalf of the dispossessed children of American servicemen in the Philippines and defended the judicial system against Wall Street.

Wherever power is abused, greed runs rampant or injustice flourishes, Joe is there to stand up and to bring to account those who would twist the American system to their own ends.

Remarkably, after decades of fighting the good fight, he has not grown weary.

He has not lost his capacity to get angry.

For all this, he is a man of old-fashioned values . . . carry your own weight, pay your own way, tend to your family and your friends. He has an unending pride in his five children and six grandchildren, who he organizes as if they, too, served in the Armed Forces.

And he does all these things with an endearing quirkiness that can take the form of worrying whether all the chairs in the conference room are facing in the right direction or eliminating every speck of dust around.

Joe is tender and kind. He honors each of us with his presence and does so in a way that makes us feel special when we are blessed to be with him.

Madam Speaker, I ask the entire House of Representatives to join me and the community

of friends who will gather in an expression of appreciation for Joseph W. Cotchett—a lion of the courtroom, a lover of life, a benefactor, a patriot and a great American.

HONORING THE 100TH ANNIVERSARY OF BETHLEHEM MISSIONARY BAPTIST CHURCH

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. BONNER. Madam Speaker, I rise today to recognize the congregation of Bethlehem Missionary Baptist Church of Bay Minette, Alabama upon the occasion of their 100th Anniversary which they celebrate this week.

Bethlehem Missionary Baptist Church was founded in 1910, when a group of concerned Christians realized a need to fellowship in a church of their own, rather than having to travel to a neighboring community. The name of Bethlehem Baptist was adopted and Reverend Issac Jones was named the first pastor.

Initially, before they had a building, the congregation met under a brush arbor and in the homes of various members.

Over the last century, the faithful congregation of Bethlehem Baptist encountered many trials and tribulations, including a fire that destroyed their first building, yet they never lost their faith or their love for their church. Their present sanctuary was built in 1963 and has been enhanced over the following 47 years, adding on an annex, two classrooms and an office complex.

In August of 2000, the Bethlehem Missionary Baptist congregation was the proud host of the Eastern Shore Baptist Convention.

I wish to extend my congratulations to Pastor Jimmy Price, and all the congregation of Bethlehem Missionary Baptist Church as they proudly celebrate their 100th year, and I wish them every success as they look to a future of continued service to the Lord and their community.

CLEARWATER COAST GUARD AUXILIARY FLOTILLA CELEBRATES ITS 60TH ANNIVERSARY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. YOUNG of Florida. Madam Speaker, The U.S. Coast Guard Auxiliary was established by Congress in June 1939 to support the Coast Guard with its boat safety mission. This June, the Clearwater Chapter, Flotilla 11-1, celebrates its 60th anniversary of service to the boating public throughout the Tampa Bay area.

The Coast Guard Auxiliary and Flotilla 11-1 provide invaluable support to the active duty Coast Guard through a variety of non-law enforcement programs. These include search and rescue missions, marine environmental patrols, youth programs, public education and safety patrols. As the Coast Guard's homeland and national security responsibilities continue to expand, the men and women of the auxiliary have stepped up to increase their port security patrols to provide for the defense of our nation's and in our case Florida's coastline and waterways.

Clearwater Flotilla 11-1's service to the Clearwater area actually predates the Coast Guard's presence in the city. Today, though, the auxiliary provides direct and continuing support to Coast Guard Air Station Clearwater and to Coast Guard Station Sand Key. Their missions include search and rescue ''call outs'', back up marine radio coverage and near shore patrols as part of the America's Waterway Watch Program. Last year alone, the Flotilla conducted more than 300 vessel safety checks, made 130 visits to recreational boating programs and conducted 11 boating safety classes. In addition to supporting the Coast Guard on the water, the Flotilla also supports the Coast Guard from the air. Its three aircraft flew 250 sorties last year totaling more than 1,000 hours and included 24 separate search and rescue cases.

Madam Speaker, it is with great pride that Flotilla 11-1 will join together this Saturday in Clearwater to celebrate its history and for the community to come together to thank the men and women of the auxiliary for their selfless volunteer service to our area.

Flotilla 11-1 operates under the leadership of Commander Jim Rudolph and Vice Commander Jerry Osburn. With their breadth of responsibilities, the Flotilla draws upon many, many dedicated officers and volunteers with specific expertise in a large number of areas. The auxiliary's officers include: Barbara Masson, communications; Val Lewis, communications services; Debbie Mallory, finance; Kimberly Clark, information systems; Teresa Kasper, materials; John Caddigan, marine safety and environmental protection; Karen Miller, member training and publications; Harry Bickford, navigation services; Don Smith, operations; Jeff Lawlor, public affairs; Ann Bennett, public education and program visits; Peter Palmieri, personnel services; Scott Signorini, secretary and records; and Dale Folsom, vessel examinations.

It is my hope that my colleagues will join me in thanking the men and women of Clearwater Coast Guard Auxiliary Flotilla 11-1 for their 60 years of service to our community and for a job well done.

PERSONAL EXPLANATION

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. GRAYSON. Madam Speaker, on rollcall No. 273, 274 and 275, I would have voted ''yes'' if I had been present. I missed the votes because of a long flight delay caused by the weather. Had I been present, I would have voted ''aye.''

EXPRESSING SUPPORT FOR SHORT LINE RAILROADS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. COSTELLO. Madam Speaker, I rise today to express my support for the extension of the Section 45G Short Line Railroad Tax Credit, which expired on December 31, 2009.

As a senior member of the House Transportation and Infrastructure Committee, I appreciate the economic benefits a strong, reliable rail network provides our economy. Rail has kept our economy connected and competitive for decades and is critical to driving our economic recovery.

Key to the rail network are short line railroads, which keep 13,000 small and rural rail customers connected to the main line railroad network and the global economy. However, short line railroads must invest heavily in repairing and maintaining track, more than any other segment of the rail industry. To address this, Congress enacted the Section 45G short line railroad tax credit, which encourages short line railroads to invest in critical track maintenance. These improvements are necessary to improve the efficiency of our national rail network and keep our economy moving. This tax credit expired on December 31, 2009.

Without an extension of this tax credit, short line railroads are unable to initiate long-term plans, and have halted much needed infrastructure projects across the country—projects that create good-paying jobs on and off the tracks. The Section 45G credit generates approximately 3,305 full-time jobs annually and supports tens of thousands of jobs in America's steel and timber industries that make railroad ties or steel rail.

Madam Speaker, it makes economic sense to provide certainty to this industry and extend this tax credit. Short line railroads are too important to our economy. As a cosponsor of H.R. 1132, legislation to extend the credit through 2012, I urge swift action on extending the Section 45G short line railroad tax credit and urge my colleagues to support it.

HONORING JANET DAVIS

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to Janet Davis, president and CEO of the TIC Federal Credit Union, who is the recipient of the prestigious Lifetime Achievement Award from the Georgia Credit Union Affiliates.

As one news report put it, it takes five pages to list what Janet Davis has done for the Columbus area and her profession. Therefore, it should come as no surprise that she's the youngest recipient in the history of the award.

Janet has served as president and CEO for 18 years. Her leadership has brought tremendous growth and success to the credit union—including an increase of $152 million in assets during her tenure. In fact, TIC is currently the ninth largest credit union in the state. This is a real testament to her dedication and ability.

Janet's own words perfectly sum up what she believes is her greatest accomplishment—giving back to her community. Janet said she ''takes joy in helping to create a workforce that is in tune with the community and its needs.''

Fortunately, giving back to the community doesn't stop at the end of her work day. For Janet, her talents touch many organizations and individuals. She has provided leadership

for the Rotary Club, Better Business Bureau, Columbus Literacy Alliance, Columbus Chamber of Commerce, Columbus Partners in Education, Columbus Hospice and Columbus State University, her alma mater.

This award isn't presented annually because it's reserved for an individual whose career and leadership stands as the ultimate example for others. In that case, there is no better person to receive such an award than Janet Davis.

Because Janet embodies everything that's great about America and serves as an example of the kind of folks we need to keep our communities strong, I ask the House to join me in congratulating her on a distinguished career and sending best wishes for many more years of valuable contribution to the Columbus area.

HONORING EXCEPTIONAL PARENTS UNLIMITED

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Exceptional Parents Unlimited upon the celebration of the 20th anniversary of their annual fundraiser "Fiesta! A Celebration of Children." The annual event will be held at the Clovis Memorial Building on Friday, May 7, 2010.

Exceptional Parents Unlimited, EPU, was founded in 1976, as a support group for the parents of children with Down's syndrome. The name Exceptional Parents Unlimited was chosen because EPU was designed to provide services to children with all different special needs. Since it was established, EPU has developed a wide range of programs and services in response to the expressed needs of the families in the community. EPU has become a national leader in providing and promoting comprehensive, family-centered services through five major programs including early intervention, family support, supporting the development of the parent-child relationship, providing parent education and training, as well as assisting in preventing child abuse. EPU has also created a successful Family Resource Center, providing training and support to families through the Parent Training and Information Center Grant and the Family Empowerment Center Grant.

Currently, EPU provides direct services to more than three thousand families. They provide services in English, Spanish and Hmong, reflecting the most common languages spoken in the Fresno area. The services provided by EPU include home visits as well as locations in urban and rural centers. The EPU staff has grown to one hundred employees including experienced management personnel, a Chief Financial Officer, a Human Resource Director, a Development Director, a Director of Evaluation and Data and five program managers.

EPU has been recognized by many organizations over the years. In 1998 EPU was honored with the Daily Points of Light Award by the Points of Light Foundation, a foundation that honors individuals and volunteer groups with a commitment to connect Americans through service to meet critical needs in their communities. In 2003, EPU was honored with the Central Valley Excellence in Business Award by The Fresno Bee, the Fresno Economic Development Corporation and the Fresno Chamber of Commerce.

Madam Speaker, I rise today to commend and congratulate Exceptional Parents Unlimited. I invite my colleagues to join me in wishing EPU many years of continued success.

HONORING DAN AND DEE DEVLIN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. FARR. Madam Speaker, I rise today to honor the memory of Dan and Dee Devlin, who through their 42 year marriage embodied the deepest love for each other, their family, their community, and the greater world around them. Earlier this year, tragically, these two wonderful people died within weeks of each other.

It's not often that one meets a couple who are so completely one. I count it as a great honor to have known Dan and Dee Devlin and I extend to their family and many friends my deepest sympathies and those of the whole House of Representatives.

I first met these two wonderful people in 1996 when COL Dan Devlin came to Monterey, Calif., to assume command of the Defense Language Institute, our Nation's premier foreign language training center. Colonel Devlin personified DLI's thoughtful, disciplined, and cosmopolitan commitment to our Nation's defense. At DLI, he built a stronger and more vibrant academic and military institution. He boosted student achievement by enhancing the teaching environment for DLI's native speaker faculty, focusing on professional growth, curriculum development, and performance-based merit pay. These efforts positioned DLI for its rapid response to the post 9/11 wave of new language training demands.

Dee was born January 16, 1947, in Williston, ND, to Roman and Ardell Daniel. A few months later, on April 21, Dan was born to Robert and Marion Devlin in nearby Northwood, ND. They both graduated from Ray High School in 1965 and North Dakota State University in 1969. After dating for 6 years, the high school and college sweethearts married in Ray, ND on June 4, 1968.

Upon graduation, Dan began his military career as a second lieutenant in the U.S. Army. His Army service included duty as an intelligence officer, a DLI student of Russian, commanding officer of the 6th Psychological Operations Battalion, Airborne, deputy commander of 4th Psychological Operations during the first Gulf War, and just prior to his DLI assignment, chief of Psychological Operations and Civil Affairs for the Joint Staff in the Pentagon.

Following a distinguished 31 year military career, Colonel Devlin retired from the Army in 2000 and became, once again, simply Dan. He continued to work in the language field as a DoD civilian employee.

Dee held numerous civil service positions as she accompanied Dan in his military career both at home and abroad: library technician in Garmisch, human resources specialist at the American Elementary/High School in Munich, and administrative officer at the Naval Postgraduate School in Monterey. Above all, Dee was the light of a family that grew to include Daniel Devlin, Jr. and his wife, Tara, their daughters Reilly and Elliott, and son, Robert Devlin and his wife, Lara.

Madam Speaker, Dan and Dee Devlin represented the best of our Nation and humanity: family, faith, public service, and an appetite for life that made the world a better place for everyone they touched. May God bless them and their memory.

HONORING GERALD VIRGIL MYERS, LAKELAND, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Gerald Virgil Myers who, on July 6 of this year, will celebrate his 92nd birthday. Mr. Myers is a dedicated father, grandfather and veteran. Today, we celebrate his life, career and this momentous occasion.

Gerald Virgil Myers is part of our "Greatest Generation"; he served our country honorably in World War II earning both the silver and bronze stars for his service, as well as the Purple Heart.

He served in the 80th infantry division, which was responsible for discovering and liberating the Buchenwald concentration camp. He recently returned to Germany to attend the 65th anniversary celebration honoring this occasion.

Mr. Myers also served in the Battle of the Bulge. He returns to Luxembourg annually to participate in the festivities marking the end of the conflict. Mr. Myers has even been named an honorary citizen of Luxembourg.

In his post military career, Mr. Myers made a living as a sales manager for Quaker Oats and Allied Feeds. He retired to Lakeland, Florida where his son, Gary and daughter, Ronna live close by. He is a grandfather to literally dozens of grandchildren and great grandchildren; most of whom live nearby as well.

In his spare time, he does his part to keep our Nation's history alive. He frequently visits local school groups and shares with them stories of his service to our country. He also enjoys crafting his own stained glass.

Madam Speaker, please join me in congratulating Mr. Myers on the occasion of his 92nd birthday and thanking him for his dedicated service to our great Nation.

ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2004 EXTENSION

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. JOHNSON of Georgia. Madam Speaker, today, I introduce legislation that extends expiring provisions of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 and reviews its efficacy. I am pleased to have as cosponsor of this bill the Chairman of the Judiciary Committee, JOHN CONYERS, JR.

ACPERA promotes the detection and prosecution of illegal cartel behavior by giving participants in a price-fixing cartel powerful incentives to report the cartel to the Justice Department and cooperate in its prosecution.

Cartel violations are some of the worst crimes perpetrated on the American consumer, yet they are too often crimes we cannot see, as all the criminal activity takes place in secret meetings behind closed doors.

Price-fixing cartels can go undetected for years, possibly forever. With hundreds of millions (or even billions) of dollars worth of unlawful profits at stake, these criminal cartels are very effective at finding ways to keep their actions secret.

In August 1993, the Department of Justice Antitrust Division revised its corporate leniency program. Designed to destabilize these cartels, the program offered amnesty from criminal prosecution for companies and their executives involved in these conspiracies if they were the first of the conspirators (and not the ringleader) to reach out to the DOJ's Antitrust Division and fully cooperate with its criminal investigation.

But there was still a disincentive for cartel participants to come forward, because they remained liable for treble damages and joint and several liability in accompanying civil litigation.

Five years ago, Congress gave the Justice Department's Antitrust Division a new weapon to attack this disincentive head-on. ACPERA addressed this shortcoming in the leniency program by also limiting the cooperating party's exposure to liability in related civil litigation.

ACPERA empowers the Justice Department to limit the civil liability of a cooperating party to single damages. The remaining co-conspirators, however, remain jointly and severally liable for all damages.

In this way, the Act strikes a carefully-crafted balance, encouraging the cartel members to turn on each other, while ensuring full compensation to the victims.

The positive impact of this law cannot be overstated. ACPERA aided the Antitrust Division in obtaining just over $1 billion in criminal fines in Fiscal Year 2009.

Last year, confronted with the expiration of key provisions of ACPERA, I sponsored a bipartisan 1-year extension of the statute. We solicited input from a number of parties, including the Department of Justice, the American Bar Association, noted academics such as William Kovacic, and representatives of civil litigants, leniency applicants, and cartel whistleblowers.

As Chairman of the Judiciary Committee's Subcommittee on Courts and Competition Policy, I want to ensure that the Justice Department has all the tools it needs to continue its excellent work protecting consumers against price-fixing cartels.

During this process, I heard a number of suggestions for how to improve ACPERA's effectiveness. The legislation I introduce today incorporates a number of these suggestions, and also commissions the Government Accountability Office to perform a 1-year study to examine several others.

Again, I thank Chairman CONYERS for joining me as cosponsor of this important legislation, and I look forward to working with our colleagues in the other body to reauthorize this very important program.

HONORING MR. HAKAN EVIN

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. WHITFIELD. Madam Speaker, I rise today to recognize Mr. Hakan Evin for all that he has done over the past 20 years to promote and foster U.S.-Turkish relations. Mr. Evin has used his role as an esteemed Turkish businessman to forge friendships with leaders, diplomats and everyday citizens from the United States, and around the world. Through these efforts he has become an 'Ambassador of Goodwill' and has helped to strengthen the ties between Turkey and the United States.

For nearly 2 decades Mr. Evin has run a successful carpet business at the Grand Bazaar in Istanbul, one of the world's oldest and largest shopping centers. A third-generation shopkeeper, he learned about the art, culture and science of carpet making before joining the family business as an apprentice after high school. Now the owner of several shops in the Bazaar, Mr. Evin has built a reputation for excellence and established a loyal customer base which spans the globe.

Mr. Evin has played host to countless heads of state, foreign dignitaries, business leaders, government officials and celebrities over the past 20 years including President George H. Bush and First Lady Barbara Bush, First Lady Laura Bush, President Bill Clinton and Secretary of State Hillary Clinton and former President of the Soviet Union Mikhail Gorbachev. Still, he remains committed to providing outstanding service and top quality products to everyday patrons from around the world. Mr. Evin has made it a point throughout his career to reach out to foreigners living, working and traveling in Turkey, fostering positive feelings among the many individuals he has met towards the Nation.

Additionally, Mr. Evin has brought the deep-rooted history and culture of Turkish rugs to the United States on numerous occasions. He frequently brings many of his rugs to the U.S. and a few years ago brought hundreds of rugs to Lexington, Kentucky. As the guest of L.V. Harkness and its owner Meg Jewett, Lexington became the site of a temporary Grand Bazaar.

Mr. Evin's acumen as a businessman, integrity, honesty and genuine love for America and its people make it easy to be his friend. Thanks Hakan Evin.

IN TRIBUTE TO DEAN RASMUSSEN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. GALLEGLY. Madam Speaker, I rise in tribute to Dean Rasmussen, businessman, philanthropist and recipient of this year's ALS Association's Lifetime Achievement Award.

Dean's father died from ALS, commonly called Lou Gehrig's Disease, more than 20 years ago. Always a man of action, Dean joined the National Board of Directors for The ALS Association. He spearheaded advocacy programs in Washington, DC, and Sacramento, California, and was instrumental in the growth and success of the Los Angeles Chapter.

Known as the godfather of The ALS Association's advocacy efforts, he served as the catalyst and provided seed money for the creation of the association's Advocacy Department. Subsequent advocacy efforts have resulted in nearly $1 billion of support for research, patient care and advocacy that helps people with ALS throughout the United States.

Dean's success in driving The ALS Association to new heights is typical of his drive in business, sports and advocacy for education and our children.

Dean graduated from the U.S. Merchant Marine Academy and served 2 years aboard Standard Oil of California tankers as a third mate before enrolling in Arizona State University, where he graduated with a bachelor's of science degree in construction. In 1968, he joined the company his father founded 4 years earlier as vice president and general manager.

Dean is now the managing member of C. A. Rasmussen Co., LLC, and emeritus chairman of the board of C. A. Rasmussen, Inc., a privately-held, general engineering contracting firm that builds highways and other infrastructure throughout California.

Among Dean's other activities, he is a former member of the Liberty Mutual Insurance Company Advisory Board, emeritus member of the board of trustees of Harvey Mudd College and former trustee/president of Harvey Mudd College's Friends Committee. He is also a former trustee and campaign chairman of Viewpoint School in Calabasas, California, past president of the Southern California Contractors Association and emeritus director of Casa Pacifica (an abused children's home serving Ventura County).

Dean enjoys spending time with his wife, Kathleen, and his four children; reading history; collecting shotguns and fine wines; as well as bird hunting and other shooting sports. He is a member the Ventura County Game Preserve Association, the Point Mugu Gun Club, a life member of the National Rifle Association, and is on the Board of the L. C. Smith Collectors Association.

Madam Speaker, I know my colleagues will join me in congratulating my wife, Janice's, and my friend of 40 years, Dean Rasmussen for earning The ALS Association Lifetime Achievement Award and in thanking him for a lifetime of service to his community and country.

CLARIFYING MINIMUM ESSENTIAL COVERAGE

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 5014, legislation to ensure the Department of Veterans Affairs (VA) Spina Bifida Program and the Children of Women Vietnam Veterans Health Care Program constitutes minimum essential coverage under the new health care reform law, the Patient Protection and Affordable Care Act (P.L. 111–148).

While the Patient Protection and Affordable Care Act explicitly states that it covers health

care programs administered by the VA, some have questioned whether the VA's Spina Bifida Program, which provides health care to children of Vietnam War and certain Korean War veterans for spina bifida-related medical conditions, and the Children of Women Vietnam Veterans Health Care Program, which provides care for certain birth defects of the biological child of a woman veteran who served in Vietnam, meets the individual requirement. H.R. 5014 leaves no room for doubt.

As a veteran of WWII, I understand what our brave American men and women give up to serve our country. For the past several years, the Democratic Congress has honored them and their dependents with benefits worthy of their service. This legislation continues to pay tribute to our veterans, providing them the respect they deserve by codifying that all VA Health Care programs are covered by the health care reform law. Mr. Speaker, I urge my colleagues to join me in supporting H.R. 5014.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Ms. WOOLSEY. Madam Speaker, on May 18, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 261. Had I been present I would have voted: Rollcall No. 273: ''yes''—Endangered Fish Recovery Programs Improvement Act of 2009.

COMMENDING TAM TRAN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Ms. ZOE LOFGREN of California. Madam Speaker, as the Chair of the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, I rise today to honor the life of Tam Tran.

Tam and her family overcame great odds to come to America. The Vietnamese government sent Tam's father, Mr. Tuan Ngoc Tran, to a ''re-education'' camp for anti-communist activities. Mr. Tran and his wife, Ms. Loc Thi Pham, escaped political persecution in Vietnam by fleeing in a boat and were rescued at sea by the German navy. They lived in Germany as refugees where Tam and her brother, Mr. Thien Ngoc Tran, were born.

The Tran family came to the United States when Tam was 6 years old to reunite with family members who had settled in California. Her parents applied for political asylum. Their asylum request was denied, but the family received withholding of deportation because they would have faced persecution if they were sent to Vietnam. But withholding does not lead to a green card or U.S. citizenship. Tam and her brother were born in Germany, but were not German citizens. They were stateless, trapped in immigration limbo.

In the meantime, Tam and her brother grew up in Garden Grove. She graduated from Santiago High School, and was accepted into the University of California at Los Angeles. She worked multiple jobs while carrying a full load of classes, but still managed to graduate from UCLA in 2006 with a bachelor's degree in American Literature and Culture and with Latin, Departmental, and College honors.

Tam also became one of the leading advocates for the ''Development, Relief and Education for Alien Minors'' Act, commonly known as the DREAM Act. The DREAM Act would provide a path to citizenship for undocumented immigrants who were brought to the United States as innocent children, if they graduate from a U.S. high school and serve in the military or attend at least two years of college. The DREAM Act would finally allow Tam to officially become what she always felt herself to be—an American.

I had the pleasure of meeting Tam when she testified before the Immigration Subcommittee on May 18, 2007, on the DREAM Act. Tam described growing up in California, ''watching Speed Racer and Mighty Mouse every Saturday morning.'' She described her frustration at the work permits that never arrived on time even though she was in the country legally, and at not being able to afford the $50,000 out-of-state tuition and living expenses a year for the Ph.D. program at UCLA, even though she had grown up in California and had been accepted into the program. Tam nonetheless hoped that she would overcome these odds and become an ''academic researcher and socially conscious video documentarian.'' The poise and eloquence of Tam and the other student witnesses at the hearing was the best evidence of how America would benefit from their skills and talents by the passage of the DREAM Act.

Tam came one step closer to achieving her dream when she was accepted into the Ph.D. program in American Civilization at Brown University. She was excelling in her studies and continuing her leadership and advocacy on the DREAM Act, when she was tragically and unexpectedly taken from us. Tam and one of her close friends, Cinthya Felix, also a DREAM Act student, died in a car crash on May 15, 2010.

My heart goes out to the Tran family at their unthinkable loss. I have no doubt that Tam would have contributed much to America. Even though our broken immigration system constantly threw roadblocks in her way, Tam always persevered and fought to live the American dream. I will redouble my effort and commitment to pass the DREAM Act in her memory, so that other innocent children in her predicament will not have to suffer the hardships that Tam had to endure just to become a productive member of this country.

REGARDING H. RES. 1187

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. VAN HOLLEN. Madam Speaker, I rise as an original sponsor of H. Res. 1187 with my colleague Mr. MORAN. This resolution recognizes the contributions of our federal employees and supports the goal of protecting their safety and security.

It is a federal crime to assault or forcefully interfere with a federal employee while they are engaged in their official duties. Yet, between 2001 and 2008, there were more than 1,200 attacks made on just IRS employees alone. The most recent incident involved a pilot flying a small plane into an IRS office complex in Austin, Texas, killing Vernon Hunter, a Vietnam veteran and IRS employee.

The Federal workforce is comprised of millions of employees who provide every kind of public service from fighting crime and fires, to protecting health, to preserving the environment and securing our borders. These dedicated public servants deserve our support, respect and protection.

I ask my colleagues to join me in supporting this resolution to express our appreciation to federal employees for the work they do, and to urge the government to seek out ways to ensure their safety.

HONORING DELTA KAPPA GAMMA SOCIETY INTERNATIONAL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend the California Chapter of Delta Kappa Gamma Society International upon their 74th anniversary. The organization will be holding its annual convention at the Fresno Radisson Hotel and Conference Center in Fresno, California from Friday, April 30 through Sunday, May 2, 2010. This is the first time that the annual meeting has been held in Fresno.

Delta Kappa Gamma Society International was established in 1929, with the desire to promote professional and personal growth in women educators and excellence in education. Chi State is the State Chapter of Delta Kappa Gamma Society International and was established in 1936. The organization is involved in literacy and philanthropy projects throughout the state. The membership is made up of active administrators, teachers from kindergarten through college and retirees who continue to substitute or volunteer in classrooms and community centers. Today, there are over six thousand members in California and one hundred and forty thousand members from sixteen countries. Many individual members are also members of other district-level, state and national education organizations.

Delta Kappa Gamma Society International offers financial aid to outstanding educational and community projects; as well as women students outside of the United States and Canada pursuing professional careers. The goal of the organization is to provide guidance and inspiration to women educators helping them to excel in their professional careers. They have a strong mentorship program and provide mutual support and interaction in all educational fields and at all levels.

Madam Speaker, I rise today to commend and congratulate the California Chapter of Delta Kappa Gamma Society International on their success in assisting women educators from around the world. I invite my colleagues to join me in wishing the organization many years of continued success.

LETTER TO PRESIDENT OBAMA ON PREVENTING TERRORISM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. WOLF. Madam Speaker, I want to share the following letter that I have sent to President Obama urging him to implement several bipartisan proposals that would strengthen our national security. These proposals include bringing back the co-chairs of the 9/11 Commission for a 6-month period to review the implementation of the commission's recommendations and creating a ''Team B'' of experts outside of government to review our counterterrorism strategy.

In light of the Senate Select Committee on Intelligence's report of the 14 ''points of failure'' with regard to the attempted Christmas Day bombing, it is disappointing that the administration has not adopted these proposals that would make our country safer.

HOUSE OF REPRESENTATIVES,
CONGRESS OF THE UNITED STATES,
Washington, DC, May 19, 2010.

Hon. BARACK H. OBAMA,
The President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: Yesterday, the Senate Select Committee on Intelligence (SSCI) released an unclassified summary of its report on the attempted terrorist attack on Christmas Day. In reviewing the report's conclusions, including the 14 specific ''points of failure'' in U.S. intelligence prior to the attack, it occurred to me that many of these ''points of failure'' could have been prevented through greater outside review of our national counterterrorism operations and strategy.

As you know, over the last five months I have repeatedly urged your administration to adopt four bipartisan proposals that would strengthen our national security. These ideas include bringing back the co-chairs of the 9/11 Commission for a six-month review, making the Transportation Security Administration (TSA) administrator a set 10-year term to bring greater stability and expertise to the agency, collocating the new High Value Detainee Interrogation Group (HIG) at the National Counterterrorism Center, and creating a ''Team B'' of outside counterterrorism experts to review and challenge our strategy and assumptions across the intelligence community.

In reviewing the 14 ''points of failure'' identified in the SSCI report, I believe many of the operational missteps could have been prevented if the co-chairs of the 9/11 Commission—former Rep. Lee Hamilton and former Gov. Thomas Kean—had been able to conduct a 6-month review of the implementation of the commission's original recommendations. Specifically, I believe that points 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, and 13, listed in the enclosed report could have been mitigated by a follow-up review of the 9/11 Commission's recommendations.

Additionally, I believe that points 7 and 14, ''Intelligence Analysts Were Primarily Focused on Al-Qaeda in the Arabian Peninsula (AQAP) Threats to U.S. Interests in Yemen, Rather than on Potential AQAP Threats to the U.S. Homeland,'' could have been mitigated if a ''Team B'' of outside experts had been able to challenge institutionalized assumptions throughout the intelligence community. The team would represent a ''new approach to counterterrorism'' which focuses not just on connecting the dots of intelligence, but which seeks to stay a step ahead in understanding how to break the radicalization and recruitment cycle that sustains our enemy, how to disrupt their network globally and how to strategically isolate them.

Last month, I wrote you to share a recent article from respected Georgetown University professor Bruce Hoffman, who endorses the ''Team B'' approach. He said, ''One important yet currently languishing congressional initiative that would help counter this strategy is Representative Frank Wolf's proposal to institutionalize a 'red team' or 'Team B' counterterrorist capability as an essential element of our efforts to combat terrorism and in the war against al-Qaeda.'' I believe that, in light of the SSCI report, such an approach is needed now more than ever.

Although we now have the benefit of hindsight, it is critical that we take the lessons from the failed attack and implement measures to further review our counterterrorism processes and strategy. It is inexcusable that we would not draw on these valuable outside experts' wisdom to strengthen our homeland and ensure that these mistakes are not repeated.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

PLUMBERS LOCAL UNION 210 ANNUAL APPRENTICE GRADUATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great sincerity and respect that I offer congratulations to several of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Friday, June 4, 2010, the Plumbers Local Union 210 will honor the graduating class of 2010 at the Annual Apprentice Graduation Banquet, which will be held at Tiebel's Restaurant in Schererville, Indiana.

At this year's banquet, the Plumbers Local Union 210 will recognize and honor the 2010 Apprentice Graduates. The individuals who have completed their apprentice training in 2010 are: Jonathan Banaszak, Matthew Czarnecki, Bernard Jewett, Kevin Kuzma, Bryan Lain, William Linebaugh, Roy Swearengin, Jeremy VanHoose, and Dustin Weber.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These graduates are outstanding examples of each. They have mastered their trade and have demonstrated their loyalty to both the union and the community through their hard work and selfless dedication.

Madam Speaker, I ask that you and my other distinguished colleagues join me in congratulating these dedicated and hardworking individuals. Along with the other men and women of Northwest Indiana's unions, these individuals have committed themselves to making a significant contribution to the growth and development of the economy of the First Congressional District, and I am very proud to represent them in Washington, DC.

A TRIBUTE TO THE SALVATION ARMY SERVING SACRAMENTO FOR 125 YEARS

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise to pay tribute to the Salvation Army, and to honor its 125th anniversary in the Sacramento region today on May 19, 2010.

The founder and first general of the Salvation Army, William Booth, was born in economic and spiritual poverty, yet he founded a worldwide organization dedicated to their eradication—an organization that now serves the neediest of the needy in 120 countries.

In 1865, the Salvation Army began in the East Side of London, and several years later General Booth sent a few of his followers to establish army roots in America.

In 1885, Major Alfred Wells arrived in Sacramento with the determination to follow the lead of General Booth by ministering to anyone in need. Back then, there were many families and individuals looking for work, looking for food and looking for hope. Fast forward to the present time—125 years later—and the Salvation Army is still in Sacramento, still reaching out to people who need assistance with jobs, food, and of course, hope.

Today, on May 19, 2010, the Salvation Army marks 125 years of service to Sacramento. As they look to the future, they know times may become even more challenging. And yet, they are ready to accept that challenge. Nothing will deter the Salvation Army from continuing its service to the Sacramento community.

Over the years as the needs of the Sacramento region have changed, the army's programs in Sacramento have reflected those needs. There have been shelter programs for men, women, and families; rehabilitation programs for those overcoming alcohol or drug problems; programs for emergency and disaster response, and disaster preparedness training; programs providing sports leagues, youth activities, tutoring, and child development centers, and many more.

Now, I thank the Salvation Army—on behalf of our community—as it continues its legacy in the Sacramento region.

TRIBUTE TO MUFTIAH MCCARTIN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. LEWIS of California. Madam Speaker, over the last several months several of our colleagues have announced they plan to retire from Congress and in a few months some may not return to us due to the workings of our democracy. All of their departures will, in some way or another, impact this body—the peoples' House.

But there will be one loss this year that will be felt most by the members and staff on both sides of the aisle—that of Muftiah McCartin. Now Muftiah's name may not be well known to the people who live in our districts, but I would

hazard a guess that there is not one member of the House of Representatives who has served in the last 30-plus years who does not know and love Muftiah—whether in her role as a parliamentarian, as a staff member on the Committee on Appropriations, or in her most recent role as the staff director of the Rules Committee. In every instance she brought a fundamental fairness, openmindedness, kindness and an incredible work ethic. She handled herself with the utmost professionalism even in the most trying of circumstances—namely having to deal with the 435 of us, and on occasion having to tell us something we did not want to hear.

As I look back on the words of tribute spoken last week by so many of my colleagues I am most impressed by the fact that those words were all spoken from the heart, as are mine. They were not words of canned praise, nor were they sterile platitudes—they were expressions of genuine friendship and respect. I will not repeat what was said about Muftiah's distinguished career—although it bears remembering. Rather I will share a few reflections from her time working for the Appropriations Committee when I was chairman.

In 2005 during my first year as Chairman of the Appropriations Committee, it was Muftiah who patiently schooled me and my staff in the complexities of House Rules as we worked on the 11 appropriations bills that came to the House floor that year. I think it is fair to say that had it not been for Muftiah, we would not have successfully completed our important work in a manner that was open and fair to all the Members. In 2006 I had the good fortune to be able to convince Muftiah to leave the parliamentarian's office and come to work on the Committee on Appropriations. I expect the parliamentarian and his able colleagues might still be angry with me for that, but they have, as usual, been very gracious. While Muftiah knew the rules under which we consider appropriations bills each year better than anyone else on my staff, especially the intricacies of the Budget Act, she did not have a background in the minutia of the appropriations and budgeting process. What she did have—and still does—is an incredibly keen mind and a tenacious work ethic.

I assigned Muftiah to the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, the second largest and one of the most important bills that touch the lives of every one of our constituents. As soon as she got there I observed her dig into budgets and programs as if she had been doing it all of her life. She quickly grasped arcane budgetary concepts, made the difficult recommendations that the committee staff must make to Members every day, asked the tough questions that must be asked in order to produce a responsible budget, and mentored younger staff in the rules and procedures of the House. As we knew would happen when she was hired, Muftiah could not learn enough, soaking up every bit of knowledge she could come by.

Now we bid a fond farewell to a loving wife and mother, a fierce friend, a great employee and a true institutionalist when it comes to this House. Muftiah has demonstrated a love and commitment to this institution and to public service that unfortunately we don't see often enough. Her work is an example that all of us should take note of and aspire to emulate. I can think of no greater role model for girls and young women than Muftiah McCartin—a woman who put herself through law school while holding down a full-time job and raising a family; one who understands that we have far more in common than we have differences; one who never put politics before principle; and a woman who faced every challenge, no matter how difficult, with a smile on her face and a kind word for all. My wife, Arlene, and I wish her all the best in the many years to come.

HONORING MRS. MAY TO

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Ms. CHU. Madam Speaker, I rise today to recognize a great loss to our community, Mrs. May To, who passed way on May 8, 2010, at the young age of 60. My heart goes out to her husband, Alex To; her sons, Jonathan and Brian To; and the rest of her family, friends and loved ones.

Mrs. To was an extraordinary citizen, an activist for immigrant children, youth and families in the San Gabriel Valley for more than a quarter century. Her volunteerism and service spanned several organizations including the Chinatown Service Center, Alhambra School District and the International Institute of Los Angeles.

Born in Canton, China in 1950, May grew up in Hong Kong, where she completed her bachelor's degree in sociology from the Chinese University of Hong Kong in 1975. She came to the United States on an exchange scholarship to study at UCLA in 1977 and received her master's degree in education in two years.

She spent the late 1970s and early 80s helping her fellow immigrants to make the most of the opportunities provided by her adopted country, teaching ESL courses to fifth-graders and serving as assistant director of The Chinatown Service Center, where she oversaw refugee employment, social service and youth programs among others.

In 1984, May worked with the Asian Task Force of the United Way to create the Asian Youth Center, which was meant to fill a gap in critical services for immigrant children, youth and families in the San Gabriel Valley. In 1984, she became the Center's Executive Director.

Since then and under her leadership, Asian Youth Center has grown from a three-person project to a large, community-based organization with a budget of over $1.7 million and a 57-person staff, serving more than 8,500 Asian and non-Asian children, youth and families.

May's tireless efforts have helped shape the Asian American, Latino American, and other immigrant communities residing in the San Gabriel Valley. Her commitment to improving access to health services, social services, and youth development opportunities for immigrants have improved the lives of countless children, youth and families over the last 20 years.

I urge my House colleagues to join me in honoring Mrs. May To for her stellar record of personal, professional and civic leadership, her indomitable spirit and her remarkable service and contributions to her community and to our nation.

317TH MILITARY POLICE BATTALION ANNUAL LAW ENFORCEMENT MEMORIAL AND CANDLELIGHT VIGIL

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mrs. BLACKBURN. Madam Speaker, for the past 48 years, members of this great government have taken pause to honor law enforcement officers who died in the line of duty. Remembering the sacrifice of their fallen brethren, the men and women of the 317th Military Police Battalion gathered to hold their annual Law Enforcement Memorial and Candlelight Vigil.

I am proud to join with them as they pay tribute to the last great offering of freedom given by thirty-eight United States Army soldiers, eight United States Air Force airmen, eight United States Navy sailors, five United States Marine Corp Marines, and four civilian police professionals. As the roll was called and Taps played, the 317th memorialized those who fulfilled their mission in support of Operation Iraqi Freedom.

Bannering this event the words from Tacitus: ''In valor, there is hope.'' I ask my colleagues to join with me in thanking those who protect the liberties of this great Nation. May these words from ancient Rome remind us all of our duty to service, and may they offer us a light of gratitude for those whose service does not lead them home.

SECTION 45G SHORT LINE RAILROAD TAX CREDIT

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. MICHAUD. Madam Speaker, I rise today to urge my colleagues in the House of Representatives to support the extension of the Section 45G Short Line Railroad Tax Credit.

The Section 45G Short Line Railroad Tax Credit expired on December 31, 2009 and has yet to be extended. Because this credit has not been renewed, the St. Lawrence & Atlantic Railroad, a 165 mile short line railroad in my district, has been unable to move forward on necessary infrastructure improvements. The St. Lawrence & Atlantic Railroad provides rail freight service through towns like Lewiston-Auburn, Mechanic Falls and Bethel in my district. An extension of the Section 45G tax credit will ensure that they can continue to put Mainers to work making the track improvements necessary to serve communities throughout Maine.

Many businesses in my district use the St. Lawrence & Atlantic to connect to the national freight rail network. An extension of the Section 45G tax credit will help short line railroads make the improvements necessary to continue connecting Maine businesses with the national rail network, aiding economic development efforts and promoting business growth throughout Maine.

Nationally, the Section 45G tax credit generates 3,305 full-time jobs nationwide each year. This does not include the tens of thousands of jobs in the American steel and timber industries that produce the raw materials necessary to make the track improvements. It is imperative that the House and the Senate come to an agreement so that we can get railroad employees back to work and make sure that the St. Lawrence and Atlantic Railroad continues to operate smoothly.

Madam Speaker, I urge my colleagues to support the extension of the Section 45G Short Line Railroad Tax Credit.

IN RECOGNITION OF THOMAS TESHARA

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Tom Teshara, a San Francisco native who has been responsible for mentoring and recruiting hundreds of women and men for admission to the United States Naval Academy. Starting in 1966 as a volunteer Tom personally recruited 82 young men who were accepted by the Academy during a 4-year period. In 1972 the Academy's Candidate Guidance Office established a West Coast branch office and named Tom as its first director with responsibility for ten Western states. At one time there were 1,049 Midshipmen enrolled at the Academy from these ten Western States. Before his recent retirement Tom led a network of 125 Academy Information Officers who counseled about 6,000 candidates annually.

Tom Teshara's work involved many evenings and weekends where he represented the Academy at area school events. He founded the USNA Parents Club and coordinated all club activities. When midshipmen returned home for the holidays, it was Tom who arranged for new candidates and their parents to sit down and discuss the Academy experience with the midshipmen. It is commonly accepted that no other person in the country has recruited more candidates for the Naval Academy than Tom Teshara.

Tom, born in 1927, was drafted out of high school by the U.S. Army where he served for 13 months before another draft of sorts—he signed a baseball contract with the San Francisco Seals where he played second base in the minor league system. His interest in sports has continued through the years. He founded the PeeWee Training League in the South San Francisco/San Bruno area and was athletic director at St. Veronica's School for nine years while playing semipro baseball.

Tom Teshara and his wife, Jeannine, were married in October 1949. They have a son, Steve, and a daughter, Debra, and two granddaughters. Madam Speaker, Tom's family has every right to be proud of his efforts of the past 50 years to bring the best and the brightest young women and men into service for our country. He deserves a big salute from all of us.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. GUTIERREZ. Madam Speaker, I was unavoidably delayed for votes in the House chamber yesterday, May 18, 2010. Had I been present, I would have voted "yea" on rollcall vote 273.

THE ONE-YEAR ANNIVERSARY OF THE END OF THE SRI LANKAN CIVIL WAR

HON. BRAD MILLER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. MILLER of North Carolina. Madam Speaker, today marks the one-year anniversary of the end of the civil war in Sri Lanka, which is a reason to be hopeful about the future of Sri Lanka. However, I also rise to voice my concern for a community at risk. The viability of a traditionally Tamil region in Sri Lanka is under threat. Since the beginning of the war, one third of the Tamil population was driven off the island and many more were displaced. A large area in the north central part of the island that was a predominantly Tamil area is now almost devoid of Tamils. According to the United Nations, more than 60 percent of homes in the north have been seriously damaged by the fighting. To make matters worse, many Sinhalese families moved into traditional Tamil areas while Tamil inhabitants were kept in detention camps following the end of the war. Finally, Tamil homes, churches, temples and cemeteries were destroyed during the war with no assurance from the Sri Lankan Government that they will be rebuilt. Sri Lanka's Tamil population is in danger of losing their identity and their traditional homeland. The United Nations has warned that "donor fatigue" in Sri Lanka has resulted in the United Nations receiving only 24 percent of the donor funds it needs to help displaced Tamils. Madam Speaker, I urge the international community to renew their efforts and take action so the Tamil culture and history is not lost.

PERSONAL EXPLANATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. THOMPSON of California. Madam Speaker, on May 18, 2010, I was unavoidably unable to cast my votes for Rollcall 273, Rollcall 274 and Rollcall 275. Had I been present, I would have voted "aye."

H.R. 24, TO REDESIGNATE THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. CARNEY. Madam Speaker, I rise today in opposition to H.R. 24, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps. This legislation was passed out of this chamber on a voice vote yesterday. Had a recorded vote been requested on the bill, I would like the RECORD to reflect that I would have cast a vote in opposition.

I have been a member of the United States Navy for more than 15 years and I am proud to be one of three Members of Congress still serving in the Navy Reserve.

Not a day goes by that I don't recognize the sacrifices the brave men and women of the Marine Corps have made in service to our country. Frankly, there isn't a sight that brings more fear to our enemy than that of an approaching line of determined Marines with a mission to execute.

Past, present and future Marines should certainly be proud of the Corps, but also of the Department of the Navy. The Marine Corps was, is, and should remain, part of the Navy, both in name and in mission. A name change at the Department level will do nothing but foster animosity in the ranks of the Navy and Marine Corps. We should focus instead on the fight at hand and not worry about a change in nomenclature. Unfortunately, the spirit of H.R. 24 is counter to that notion.

Changing the name of the Department of Navy would cast away over 200 years of tradition. Our founding fathers created the Department of the Navy in 1798. Passing legislation by voice vote that simply does away with the name "United States Department of the Navy" is a disservice to the history of the Department and its various components. Millions of sailors and Marines have been killed or maimed in service to our Nation as part of the Department of the Navy. That name meant something to them and it should to all of us as well.

As the esteemed body on the other side of this building considers this bill, I hope that it will examine all potential repercussions. Namely, they should consider the traditions the United States Navy holds dear.

I encourage my fellow statesmen to speak both with Navy leadership and Navy veterans in their district before casting a vote in support of this legislation.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor on Wednesday, March 24, 2010.

For Wednesday, March 24, 2010, had I been present I would have voted "aye" on rollcall vote No. 183, on motion to suspend the

rules and agree to H.R. 4098, ''aye'' on rollcall vote No. 184, on motion to suspend the rules and agree to H.R. 1879, ''no'' on rollcall vote No. 185, on motion to table the appeal of the ruling of the chair, ''no'' on rollcall vote No. 186, on passage of H.R. 4899.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,984,666,665,110.57.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,346,240,918,816.77 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Ms. MATSUI. Madam Speaker, I rise today to commemorate May as Asian Pacific American Heritage Month.

One hundred sixty-seven years ago this May, the first Japanese immigrants arrived in the United States in search of a promise of freedom and in pursuit of their own American dreams. Since that time, Asian Pacific Americans have contributed to the unique fabric of American culture in countless ways, becoming leaders in business, government, arts, and entertainment. It is entirely fitting that we have chosen May to commemorate these significant contributions, and to honor the 15.2 million Asian Pacific Americans who continue the legacy that their ancestors began in the 1840s.

During the past several decades, Congress has recognized the importance of the Asian Pacific American community to our nation's history. In 1977, Representatives Frank Horton and Norman Mineta introduced legislation to establish the first ten days of May as Asian Pacific American Heritage Week. After similar legislation was introduced and passed in the Senate, President Jimmy Carter signed into law a joint resolution to establish this annual commemoration. Later, in 1990, we celebrated the first Asian Pacific American Heritage Month. Since that time, May has officially become a yearly tribute to the Asian Pacific American community.

While it is important that we continue recognizing these important dates—which have raised awareness of the many critical contributions of the Asian Pacific American community—we must also look to the work being done each day to make certain that the interests of Asian Pacific Americans are being considered. Members of the House of Representatives and the Senate consistently honor the heritage of this important community. The Congressional Asian Pacific American Caucus—known as CAPAC—advocates for all Asian Pacific Americans, working to ensure their voices are heard at the federal level. Additionally, the Presidential Cabinet includes three Asian American dignitaries: Energy Secretary Steven Chu, Commerce Secretary Gary Locke and Veterans Affairs Secretary Eric Shinseki.

Building on this active involvement of Asian Pacific Americans in the workings of our national government, President Obama has also stepped up his own efforts to restore the broad mission of the White House Initiative on Asian Americans and Pacific Islanders. This vital initiative—which I helped to establish while serving in the administration of President Bill Clinton—has been successful in increasing the participation of Asian Pacific Americans in federal programs. By doing so, the Initiative has helped make dramatic improvements in the quality of life of underserved Asian Pacific Americans.

Madam Speaker, in recognizing the countless contributions Asian Pacific Americans have made to our nation and to our history, I join my colleagues this May in celebrating Asian Pacific American Heritage Month.

IN RECOGNITION OF THE I.C. NORCOM BOYS' BASKETBALL TEAM

HON. ROBERT C. ''BOBBY'' SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. SCOTT of Virginia. Madam Speaker, I rise with great pride to call attention to a group of young students who have distinguished themselves, their school, their community, and the city of Portsmouth, Virginia.

The I.C. Norcom Greyhounds boys' basketball team had a remarkable season and I believe the Greyhounds deserve formal recognition for their accomplishments. On March 12, 2010, the I.C. Norcom Greyhounds won the Group AAA boys' state basketball championship. The Greyhounds completed their 2010 season with an impressive 25–4 record.

I.C. Norcom won the championship in memorable fashion. Down ten points with 7:48 left in the game, the team rallied back to trail 54–53 with a minute left to play. A buzzer-beating shot by Shelton Haskins with 1.5 seconds left sealed the 55–54 victory over a previously unbeaten team from Petersburg High School.

I.C. Norcom made history throughout the tournament. They were the first Portsmouth team to ever reach a semifinal game. In a similar comeback victory against Chantilly High, Norcom advanced to the AAA Championship, again the first team from Portsmouth to do so. The win gives the school and the city of Portsmouth its first Group AAA state basketball title.

I.C. Norcom was founded in 1913 as the High Street School, the first public high school for black students in Portsmouth. It was renamed in 1953 in honor of its first supervising principal, Israel Charles Norcom, a pioneering educator, civic leader and businessman. Now, more than 50 years and three locations later, I.C. Norcom High School is still an innovating and inspiring place for Portsmouth students.

In addition to excelling on the basketball court, the Greyhounds are also doing great things in the classroom. I.C. Norcom houses a Center of Excellence in Math and Science, which provides students with additional classes in science, math, and technology. Fifty seniors this year will be receiving their Center of Excellence Diplomas which require five science course credits, one more than required under the advanced diploma. In addition 23 I.C. Norcom seniors have been participating in the First College program—attending Tidewater Community College this semester and taking up to 14 college credits before they graduate. I.C. Norcom is doing a great job cultivating excellence both on and off the athletic field.

I would like to extend my enthusiastic congratulations to the I.C. Norcom players, their families, principal Lynn Briley, coach Leon Goolsby and the rest of his coaching staff, on the occasion of this historic Boy's basketball championship. On behalf of the people of the Third Congressional district of Virginia, I.C. Norcom alumni, and the entire city of Portsmouth, I commend them for this historic win and wish the program years of success in the future.

HONORING DR. THOMAS CROW

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Thomas Crow upon his retirement as the Chancellor of State Center Community College District (SCCCD). After serving over 20 years with the college district, Dr. Crow will be honored by the State Center Community College District Board of Trustees and Foundation Board of Directors on Friday, May 7, 2010.

Dr. Thomas Crow earned a Bachelor of Arts degree and a Master of Arts degree in Physical Education from California State University, Fresno. Later, he attended Arizona State University, where he earned a Doctor of Philosophy degree in Education. Dr. Crow has a long history in education which includes a broad spectrum of experience in kindergarten through twelfth grade; including his service as Superintendent of Fowler Unified School District.

Prior to his appointment as Chancellor, Dr. Crow served as President of Reedley College for 7 years. While with SCCCD he also served as Vice Chancellor, External Operations and Assistant to the Chancellor.

Outside of SCCCD, Dr. Crow is active in the community. He is the past president of the Reedley Rotary Club. He is also an active member of the Fresno Business Council, Fresno County Economic Development Corporation, the Greater Fresno Area Chamber of Commerce, The Regional Jobs Initiative, Fresno Compact and the Workforce Investment Board.

Madam Speaker, I rise today to commend and congratulate Dr. Thomas Crow upon his retirement from the State Center Community College District. I invite my colleagues to join me in wishing Dr. Crow many years of continued success.

CROWN POINT BULLDOGS 8 AND UNDER GIRLS SOFTBALL TEAM

HON. PETER J. VISCLOSKY

STATE OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. VISCLOSKY. Madam Speaker, it gives me great pleasure to pay tribute to the exceptional achievements of the 2009 Crown Point Bulldogs 8 and Under Girls Softball Team. This truly remarkable softball team accomplished extraordinary feats during their undefeated season. For their great ability and skill, as well as their tremendous dedication and hard work, these outstanding young athletes are to be congratulated.

On July 12, 2009, the Crown Point Bulldogs 8 and Under Girls Softball team won the National Softball Association's Indiana State Championship. They went undefeated with a record of 4–0 in the tournament. The team then went on to win the National Softball Association World Series, with a record of 5–1. This victory marked the first World Series Championship in Crown Point history.

The people of Crown Point as well as the community of Northwest Indiana can be proud of this successful and talented softball team. The team consists of: Maggie Ballentine, Kari Bauner, Hannah Bond, Madelyn Elish, Gracie Frazier, Skylar Hekkel, Hailey Herbert, Brooke Manhatton, Mallory McMahon, Caitlyn Phillips, Emma Van Prooyen, and Megan Van Prooyen.

Madam Speaker, I would like to once again extend my most heartfelt congratulations to the members of the 2009 Crown Point Bulldogs 8 and Under Girls Softball Team, as well as head coach Kevin Frazier, assistant coaches Mike Manhatton, Shawn Ballentine, and Matt McMahon, and all of the community, including parents and caregivers, who have instilled in this team the desire to succeed, as well as the great value and discipline found in sports activities. I look forward to watching their future athletic achievements as they continue to rise to the top.

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. MANZULLO. Madam Speaker, on Tuesday, May 18, 2010, I missed a series of votes because I was not feeling well. If I had been here, I would have voted ''no'' on rollcall No. 273, ''yea'' on rollcall No. 274, and ''yea'' on rollcall No. 275.

INVESTIGATE ALLEGED WAR CRIMES IN SRI LANKA

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. DAVIS of Illinois. Madam Speaker, May 19 commemorates the one-year anniversary of the end of the war and the remembrance of the many lives lost during the civil war in Sri Lanka. I call on the international community to pursue independent investigations into the alleged war crimes that occurred. The U.S. would not be alone in calling for these investigations. The UN High Commissioner for Human Rights and the European Union have already called for independent investigations. Amnesty International, Human Rights Watch and other NGOs have called for similar investigations of war crimes, crimes against humanity and human rights violations. The alleged crimes include:

- Extrajudicial abuse and detention of unarmed civilians and former combatants;
- use of child soldiers;
- harm to civilians and civilian objects;
- the killing of captives or combatants seeking to surrender;
- individual disappearances; and
- inhumane conditions.

All parties complicit in violating human rights must be held accountable. Only then can the Sri Lankan people really move forward in trying to achieve peace and stability on the island.

CONGRATULATING OUTSTANDING HIGH SCHOOL ARTISTS OF NEW JERSEY'S 9TH CONGRESSIONAL DISTRICT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. FRELINGHUYSEN. Madam Speaker, once again, I come to the floor to recognize the great success of strong local schools working with dedicated parents and teachers. I rise today to congratulate and honor a number of outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students participated in the 2010 Congressional Arts competition, ''An Artistic Discovery.'' Their works of art are exceptional.

Sixty-one students participated. That is a wonderful response, and I would very much like to build on that participation for future competitions.

Madam Speaker, I would like to congratulate the three winners of our art competition. First Place was awarded to Christina Eng from Oak Knoll School of the Holy Child for her work, ''Capitol Building in Winter.'' Second Place was awarded to Austin Dimare from Parsippany Christian School for his work, ''Italiano Donna.'' Third Place was awarded to Elizabeth Frino from Pequannock Township High School for her work, ''Rock Star''.

I would like to recognize each artist for their participation by indicating their high school, their name, and the title of their contest entry for the official record:

Boonton High School: Zenab Kahn's ''Faiza''; Joseph Park's ''Self Portrait with Friends''; Nicole van de Vliet's ''Out of Africa''; Arielle Winters' ''Meow''.

Bridgewater Raritan Regional High School: MingZhu Hai's ''Self Portrait as a Child''; Dana Li's ''Guitar Playing''; Amanda Wong's ''Friends''.

Chatham High School: Hannah Drossman's ''Giverny''; Ria Iizuka's ''Aries After 8th Period: Reduced to Mathematical Component''; David Daniel Melgar's ''Lust''.

Hopatcong High School: Kristen Fahy's ''Chroma Lily''.

Livingston High School: Jennifer Brodsky's ''A City in the Sun''; Amy Friedman's ''Walking into the Shadows''; Sarah Tse's ''Utilities'', Mark Zlotsky's ''A Frickin' Tree!''.

Madison High School: Rachel Fico's ''Mixer''; Vandela Larsson's ''Glow''; Stephanie Riveros' ''Deadlock''; Bailey Theado's ''Kavala Village''.

Millburn High School: Chanthia Ma's ''Self Portrait''; Sona Roy's ''Green-eyed'', Dana Serruto's ''Movie Time''; Jordan Scharf's ''Chair in a Field of Roses''.

Montville High School: Allison Au's ''Caribbean Still Life''; Victoria Eng's ''Light''; Michael Johnston's ''Short Sighted''; Micah Schure's ''Trombone''.

Morris Catholic High School: Josh Gilardi's ''Empire State of Mind''; Liz McCormick's ''Christmas in the City''.

Morris Knolls High School: Jennifer Hastings' ''The Lake Monster''; Meredith McCabe's ''A Safe Place to Hide''; Rebecca Syracuse's ''Fear of Intimacy''; Irina Walter's ''Hero of War''.

Morristown High School: Demetria Jorge's ''Sunset Salute''.

Morristown-Beard School: Ashley Young's ''Anor Hinge''.

Mount Olive High School: Daniel Gillette's ''Stripping Down the Media''; Vanessa Lorenzo's ''Ghosts of Chernobyl''.

Oak Knoll School: Christina Eng's ''Capitol Building in Winter''; Gioia Topazio's ''Leaves''.

Parsippany Christian School: Sydney Dahl's ''Insecurity''; Austin Dimare's ''Italiano Donna'', Lexie Reilly's ''I Love You''.

Parsippany High School: Ashley Del Rio's ''Murano Glass''; Brittany Ann Serrao's ''Untitled''.

Pequannock Township High School: Kristin Brian's ''Scale''; Elizabeth Frino's ''Rock Star''.

Ridge High School: Lillian Chen's ''No Treasure After All''; Edward Kowalewski's ''Helix''; Mary Petras' ''Peace''; Howard Wei's ''Guardian of the Trolls Lair''.

Roxbury High School: Sam Knopka's ''Self Portrait''; Nick Griffin's ''Free Your Mind''; Alessandra Varilias' ''Innocent Soldiers''; Ruth Vega's ''Plastic Beauty''.

Seton Hall Preparatory School: Dylan Hughes' ''Students in Blue''; Charles Kohaut's ''Eye''.

Watchung Hills High School: Sofia Lizza's ''Spoons''; Lisa Monetti's ''Clouds Are Shrouding in Moments Unforgettable''; Alex Nahorniak's ''Untitled''; Carolyn Thornton's ''Maggie''.

West Morris Central High School: Courtney Dietsche's ''Fish of Fantasy: Nightly Wanders''.

Each year the' winner of the competition has their art work displayed with other winners from across the country in a special corridor here at the U.S. Capitol. Thousands of our fellow Americans walk through the exhibition and are reminded of the vast talents of our young men and women. Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

Madam Speaker, I urge my colleagues to join me in congratulating these talented young people from New Jersey's 11th Congressional District.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. BECERRA. Madam Speaker, on Tuesday, May 18, 2010, I missed rollcall Nos. 273, 274, and 275. If present, I would have voted "yea" on rollcall Nos. 273, 274, and 275.

EMILY ENGLAND CLYBURN—LIBRARIAN AND HUMANITARIAN

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2010

Mr. HASTINGS of Florida. Madam Speaker, on May 7, 2010 a good friend of mine, Emily England Clyburn, received a much deserved reward for her extraordinary service to South Carolina State College and our Nation. Her alma mater and beloved institution marked her distinguished career of public service with an honorary doctorate degree. Emily's honorary degree embodies her humanitarian spirit, a gift she shares as a lifelong librarian.

Emily's career began with her belief in earning a strong education. She graduated from Berkeley Training High School in Moncks Corner, South Carolina in 1956 before going on to receive her bachelor's degree from S.C. State in 1961. Here, she met her husband, U.S. Congressman JAMES E. CLYBURN. Mrs. Clyburn went on to earn her Masters in Librarianship from the University of South Carolina in May 1977.

Mrs. Clyburn employed her education by dedicating her career to libraries. She gave her students the gift of learning by establishing the first library at Fairwold Middle School in Columbia, SC. She worked at Simonton Elementary School in Charleston, SC and was assistant librarian at Burke High School. Mrs. Clyburn was also head librarian at the Naval Hospital in Charleston, SC and eventually went on to retire in 1994 after serving two tours as Assistant Librarian at the Veterans Administration Hospital in Columbia, SC.

Congressman and Mrs. Clyburn continue to support educational initiatives through the James E. and Emily E. Clyburn Endowment for Archives and History at their alma mater, S.C. State. S.C. State will honor Mrs. Clyburn's lifetime of achievement with the Emily E. Clyburn Archives and History Center in the soon to be constructed James E. Clyburn University Transportation Center, a lasting symbol to a woman who will leave an everlasting legacy.

Mrs. Clyburn has been bestowed many honors in her career, none more important than that of mother and wife. Since their marriage in 1961, Congressman and Mrs. Clyburn have dedicated their lives to a sense of purpose and the betterment of society and have instilled these same values into their three wonderful daughters, Mignon, Jennifer, and Angela. I'm certain these same lasting principles will also influence their two grandchildren, Walter and Sydney.

Madam Speaker, here is someone we can all look up to and be proud of—a strong woman who overcame the many boundaries of her time and a sterling model of how we should define true success by our ability to give back. Emily England Clyburn has accomplished far more than any honorary doctorate can appropriately signify. I am proud to call Emily my friend, her husband a colleague, and their service to this Nation extraordinary.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 20, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 25

9 a.m.
Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

10 a.m.
Energy and Natural Resources
To hold hearings to examine the liability and financial responsibility issues related to offshore oil production, including the Deepwater Horizon accident in the Gulf of Mexico, including S. 3346, to increase the limits on liability under the Outer Continental Shelf Lands Act.
SR–325

Finance
To hold hearings to examine reducing overpayments and increasing quality in the unemployment system.
SD–215

Rules and Administration
To hold hearings to examine the nomination of William J. Boarman, of Maryland, to be Public Printer.
SR–301

10:30 a.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

Joint Economic Committee
To hold hearings to examine how to minimize the impact of the great recession on young workers.
210, Cannon Building

2 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

Health, Education, Labor, and Pensions
To resume hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on early childhood education.
SD–430

2:15 p.m.
Foreign Relations
Business meeting to consider S. 3317, to authorize appropriations for fiscal years 2010 through 2014 to promote long-term, sustainable rebuilding and development in Haiti, S. 3193, to establish within the office of the Secretary of State a Coordinator for Cyberspace and Cybersecurity Issues, S. 3104, to permanently authorize Radio Free Asia, S. Res. 469, recognizing the 60th Anniversary of the Fulbright Program in Thailand, S. Res. 532, recognizing Expo 2010 Shanghai China and the USA Pavilion at the Expo, and the nominations of Michael P. Meehan, of Virginia, and Dana M. Perino, of the District of Columbia, both to be a Member of the Broadcasting Board of Governors.
S–116, Capitol

2:30 p.m.
Intelligence
To hold closed hearings to consider certain intelligence matters.
SH–219

Commission on Security and Cooperation in Europe
To hold hearings to examine Holocaust era assets after the Prague conference.
SR–428A

3 p.m.
Homeland Security and Governmental Affairs
State, Local, and Private Sector Preparedness and Integration Subcommittee
To hold hearings to examine assessing the effects of the Deepwater Horizon oil spill on states, localities and the private sector.
SD–342

3:30 p.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

5 p.m.
Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

MAY 26

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nominations of Elisabeth Ann Hagen, of Virginia, to be Under Secretary for Food Safety, and Catherine E. Woteki, of the District of Columbia, to be Under Secretary for Research, Education, and Economics, both of the Department of Agriculture, and Sara Louise Faivre-Davis, of Texas, Lowell Lee Junkins, of Iowa, and Myles J. Watts, of Montana, all to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation, Farm Credit Administration.
SR–328A

Appropriations
Interior, Environment, and Related Agencies Subcommittee
To hold hearings to examine firefighting policy with the U.S. Forest Service and the Department of the Interior.
SD–124

Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

10 a.m.
Judiciary
Constitution Subcommittee
To hold hearings to examine the legality and efficacy of line-item veto proposals.
SD–226

Finance
To hold hearings to examine certain nominations.
SD–215

Health, Education, Labor, and Pensions
Business meeting to consider S. 2781, to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability, and the nominations of David K. Mineta, of California, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy, and Adam Gamoran, of Wisconsin, Deborah Loewenberg Ball, of Michigan, Margaret R. McLeod, of the District of Columbia, and Bridget Terry Long, of Massachusetts, all to be a Member of the Board of Directors of the National Board for Education Sciences.
SD–430

Indian Affairs
To hold hearings to examine the nomination of Tracie Stevens, of Washington, to be Chairman of the National Indian Gaming Commission.
SD–628

2 p.m.
Aging
To hold hearings to examine dietary supplements, focusing on what seniors need to know.
SD–562

2:30 p.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

Commerce, Science, and Transportation
Communications and Technology Subcommittee
To hold hearings to examine innovation and inclusion, focusing on the Americans with Disabilities Act at 20.
SR–253

MAY 27

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine building a secure future for multiemployer pension plans.
SD–430

2:15 p.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine the United/Continental Airlines merger, focusing on how consumers will fare.
SD–226

2:30 p.m.
Intelligence
To hold closed hearings to consider certain intelligence matters.
SH–219

MAY 28

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

JUNE 16

9:30 a.m.
Veterans' Affairs
To hold hearings to examine veterans' claims processing, focusing on if current efforts are working.
SR–418

CORRECTION

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3951–S4025

Measures Introduced: Four bills and two resolutions were introduced, as follows: S. 3384–3387, and S. Res. 534–535. **Pages S3983–84**

Measures Passed:

Information Technology Investment Oversight Enhancement and Waste Prevention Act: Senate passed S. 920, to amend section 11317 of title 40, United States Code, to improve the transparency of the status of information technology investments, to require greater accountability for cost overruns on Federal information technology investment projects, to improve the processes agencies implement to manage information technology investments, to reward excellence in information technology acquisition, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S4019–24**

Dodd (for Carper) Amendment No. 4147, in the nature of a substitute. **Page S4024**

Silver Star Service Banner Day: Senate agreed to S. Res. 534, expressing support for designation of May 1, 2010, as ''Silver Star Service Banner Day''. **Page S4024**

Honoring the President of Mexico Felipe Calderon Hinojosa: Senate agreed to S. Res. 535, honoring the President of Mexico, Felipe Calderon Hinojosa, for his service to the people of Mexico, and welcoming the President to the United States. **Page S4024**

Measures Considered:

Restoring American Financial Stability Act—Agreement: Senate continued consideration of S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, taking action on the following amendments proposed thereto:

Pages S3961–63, S3963–65, S3965–80

Adopted:

Brownback (for Snowe/Pryor) Amendment No. 3883 (to Amendment No. 3739), to ensure small business fairness and regulatory transparency. **Pages S3961, S3964**

Ensign Amendment No. 4146 (to Amendment No. 3739), to amend the definition of credit to exclude no interest credit instruments. **Page S3973**

Dodd (for Vitter/Pryor) Modified Amendment No. 4003 (to Amendment No. 3739), to address nonbank financial company definitions and to provide for anti-evasion authority. **Pages S3973–74**

Withdrawn:

By 35 yeas to 60 nays (Vote No. 159), Whitehouse Further Modified Amendment No. 3746 (to Amendment No. 3739), to restore to the States the right to protect consumers from usurious lenders. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn). **Pages S3961, S3971–73**

Pending:

Reid (for Dodd/Lincoln) Amendment No. 3739, in the nature of a substitute. **Page S3961**

Brownback Further Modified Amendment No. 3789 (to Amendment No. 3739), to provide for an exclusion from the authority of the Bureau of Consumer Financial Protection for certain automobile manufacturers. **Page S3961**

Specter Modified Amendment No. 3776 (to Amendment No. 3739), to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such Act. **Page S3961**

Dodd (for Leahy) Amendment No. 3823 (to Amendment No. 3739), to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers. **Page S3961**

Dodd (for Cantwell) Modified Amendment No. 3884 (to Amendment No. 3739), to impose appropriate limitations on affiliations with certain member banks. **Page S3961**

Cardin Amendment No. 4050 (to Amendment No. 3739), to require the disclosure of payments by resource extraction issuers. **Page S3961**

Merkley/Levin Amendment No. 4115 (to Amendment No. 3789), to prohibit certain forms of proprietary trading. **Page S3961**

A motion was entered to close further debate on Reid (for Dodd/Lincoln) Amendment No. 3739 (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, May 21, 2010. **Page S3974**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of Reid (for Dodd/Lincoln) Amendment No. 3739 (listed above). **Page S3974**

During consideration of this measure today, Senate also took the following action:

By 57 yeas to 42 nays (Vote No. 158), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to close further debate on Reid (for Dodd/Lincoln) Amendment No. 3739, in the nature of a substitute. **Page S3964**

Subsequently, Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on Reid (for Dodd/Lincoln) Amendment No. 3739 (listed above). **Page S3964**

Subsequently, a unanimous-consent agreement was reached providing that the vote on the motion to invoke cloture on the bill be vitiated. **Page S3964**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, May 20, 2010; provided that at 2:30 p.m., the motion to proceed to the motion to reconsider be agreed to, the motion to reconsider be agreed to; and Senate vote on the motion to invoke cloture on Reid (for Dodd/Lincoln) Amendment No. 3739 (listed above); provided further, that the filing deadline for second-degree amendments be 1:30 p.m. **Pages S4024–25**

Nomination Confirmed: Senate confirmed the following nomination:

1 Army nomination in the rank of general.

Pages S3965, S4025

Nominations Received: Senate received the following nominations:

Patrick S. Moon, of Virginia, to be Ambassador to Bosnia and Herzegovina.

Christopher W. Murray, of New York, to be Ambassador to the Republic of the Congo.

Routine lists in the Army, and Navy. **Page S4025**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

1 Army nomination in the rank of general.

Page S4025

Messages from the House: **Page S3983**

Measures Referred: **Page S3983**

Measures Placed on the Calendar: **Page S3983**

Additional Cosponsors: **Pages S3984–85**

Statements on Introduced Bills/Resolutions: **Pages S3985–86**

Additional Statements: **Page S3983**

Amendments Submitted: **Pages S3986–S4018**

Authorities for Committees to Meet: **Pages S4018–19**

Privileges of the Floor: **Page S4019**

Record Votes: Two record votes were taken today. (Total—159) **Pages S3964, S3972–73**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 8:27 p.m., until 9:30 a.m. on Thursday, May 20, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4025.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (METRO)

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies concluded a hearing to examine the President's proposed budget request for fiscal year 2011 for the Washington Metropolitan Area Transit Authority (Metro), after receiving testimony from Senator Cardin; and Peter Benjamin, and Richard Sarles, both of Washington Metropolitan Area Transit Authority (METRO), Jackie Jeter, Amalgamated Transit Union, Jack Corbett, MetroRiders.org, and Francis DeBernardo, Riders' Advisory Council, all of Washington, DC.

MOTOR VEHICLE SAFETY ACT

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine S. 3302, to amend title 49, United States Code, to establish new automobile safety standards, make better motor vehicle safety information available to the National Highway Traffic Safety Administration and the public, and S. 3271, to amend section 30166 of title 49, United States Code, to require the installation of

event data recorders in all motor vehicles manufactured for sale in the United States, after receiving testimony from David L. Strickland, Administrator, and Joan Claybrook, former Administrator, both of the National Highway Traffic Safety Administration, Department of Transportation; Dave McCurdy, Alliance of Automobile Manufacturers, and Clarence M. Ditlow, Center for Auto Safety, both of Washington, DC; and Michael J. Stanton, Association of International Automobile Manufacturers, Inc. (AIAM), Arlington, Virginia.

PROPOSED CONSTITUTION OF U.S. VIRGIN ISLANDS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the proposed Constitution of the U.S. Virgin Islands, S. 2941, to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, H.R. 3940, to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States, and H.R. 2499, to provide for a federally sanctioned self-determination process for the people of Puerto Rico, after receiving testimony from Delegates Pierluisi, Bordallo and Christensen; Jonathan G. Cedarbaum, Deputy Assistant Attorney General, Department of Justice; Nikolao Pula, Director, Office of Insular Affairs, Department of the Interior; Puerto Rico Governor Luis G. Fortuño, Hector J. Ferrer Rios, Popular Democratic Party, and Ruben Berrios Martinez, Puerto Rican Independence Party, all of San Juan; Gerard Luz Amwur James II, Fifth Constitutional Convention of the U.S. Virgin Islands, St. Croix; and John M. Silk, Republic of the Marshall Islands Minister of Foreign Affairs, Majuro.

NATIONAL PARKS BILLS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 349, to establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, S. 1596, to authorize the Secretary of the Interior to acquire the Gold Hill Ranch in Coloma, California, S. 1651, to modify a land grant patent issued by the Secretary of the Interior, S. 1750, to authorize the Secretary of the Interior to conduct a special resource study of the General of the Army George Catlett Marshall National Historic Site at Dodona Manor in Leesburg, Virginia, S. 1801, to establish the First State National Historical Park in the State of Delaware, S. 1802 and H.R. 685, bills to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, S. 2953 and H.R. 3388, bills to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, S. 2976, to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, S. 3159 and H.R. 4395, bills to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, S. 3168, to authorize the Secretary of the Interior to acquire certain non-Federal land in the State of Pennsylvania for inclusion in the Fort Necessity National Battlefield, and S. 3303, to establish the Chimney Rock National Monument in the State of Colorado, after receiving testimony from Senators Boxer, Carper, Casey, Burris and Bennet; Stephen E. Whitesell, Associate Director, Park Planning, Facilities and Lands, National Park Service, Department of the Interior; Joel Holtrop, Deputy Chief, National Forest System, Forest Service, Department of Agriculture; Robert Moomaw, Archuleta County Commissioner, Pagosa Springs, Colorado; Timothy Slavin, Delaware Division of Historical and Cultural Affairs, Dover; and Mark N. Platts, Susquehanna Gateway Heritage Area, Wrightsville, Pennsylvania.

REBUILDING AND DEVELOPMENT IN HAITI

Committee on Foreign Relations: Committee concluded a hearing to examine empowering Haiti to rebuild better, including S. 3317, to authorize appropriations for fiscal years 2010 through 2014 to promote long-term, sustainable rebuilding and development in Haiti, after receiving testimony from T. Christopher Milligan, Coordinator for Disaster Response in Haiti, United States Agency for International Development; Kenneth Merten, United States Ambassador to the Republic of Haiti, Department of State; Andrew S. Natsios, Georgetown University School of Foreign Service, and Mark L. Schneider, International Crisis Group, both of Washington, DC.; and Sean Penn, J/P Haitian Relief Organization, San Francisco.

START TREATY

Committee on Foreign Relations: Committee concluded a hearing to examine a Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111–05), focusing on the history and lessons of the Strategic Arms Reduction Treaty, after receiving testimony from James A. Baker III, Baker Botts L.L.P., Houston, Texas.

REFUGEE PROTECTION ACT

Committee on the Judiciary: Committee concluded a hearing to examine renewing America's commitment to the refugee convention, including S. 3113, to amend the Immigration and Nationality Act to reaffirm the United States' historic commitment to protecting refugees who are fleeing persecution or torture, after receiving testimony from Dan Glickman, Refugees International, and Igor V. Timofeyev, Paul, Hastings, Janofsky and Walker LLP, both of Washington, DC.; and Patrick Giantonio, Vermont Immigration and Asylum Advocates, Burlington.

FILIBUSTER

Committee on Rules and Administration: Committee resumed hearings to examine the filibuster, focusing on the filibuster today and its consequences, after receiving testimony from former Vice President Walter F. Mondale; former Senator Don Nickles; Steven S. Smith, Washington University Murray Weidenbaum Center on the Economy, Government, and Public Policy, St. Louis, Missouri; and Norman J. Ornstein, American Enterprise Institute, Washington, DC.

NOMINATION

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine the nomination of Marie Collins Johns, of the District of Columbia, to be Deputy Administrator of the Small Business Administration, after the nominee, who was introduced by Representative Carson, testified and answered questions in her own behalf.

DISASTER ASSISTANCE PROGRAM

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine the Small Business Administration (SBA) Disaster Assistance Program and the impact of the Deepwater Horizon oil spill on small businesses, after receiving testimony from James Rivera, Associate Administrator for Disaster Assistance, Small Business Administration; William B. Shear, Director, Financial Markets and Community Investment, Government Accountability Office; and Jaimie Bergeron, Fleur de Lis Car Care Center, Lake View, Louisiana.

VETERANS BILLS

Committee on Veterans' Affairs: Committee concluded a hearing to examine S. 1866, to amend title 38, United States Code, to provide for the eligibility of parents of certain deceased veterans for interment in national cemeteries, S. 1939, to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, S. 1940, to require the Secretary of Veterans Affairs to carry out a study on the effects on children of exposure of their parents to herbicides used in support of the United States and allied military operations in the Republic of Vietnam during the Vietnam era, S. 2751, to designate the Department of Veterans Affairs medical center in Big Spring, Texas, as the George H. O'Brien, Jr., Department of Veterans Medical Center, S. 3035, to require a report on the establishment of a Polytrauma Rehabilitation Center or Polytrauma Network Site of the Department of Veterans Affairs in the northern Rockies or Dakotas, S. 3107, to amend title 38 , United States Code, to provide for an increase, effective December 1, 2010, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, S. 3192, to amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, S. 3234, to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, S. 3286, to require the Secretary of Veterans Affairs to carry out a pilot program on the award of grants to State and local government agencies and nonprofit organizations to provide assistance to veterans with their submittal of claims to the Veterans Benefits Administration, S. 3314, to require the Secretary of Veterans Affairs and the Appalachian Regional Commission to carry out a program of outreach for veterans who reside in Appalachia, S. 3325, to amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans, S. 3330, to amend title 38, United States Code, to make certain improvements in the administration of medical facilities of the Department of Veterans Affairs, S. 3348, to amend title 38, United States Code, to provide for the treatment of documents that express disagreement with decisions of the Board of Veterans' Appeals and that are misfiled with the Board within 120 days of such decisions as motions for reconsideration of such decisions, S. 3352, to amend title 38, United States Code, to exempt reimbursements of expenses related to accident, theft, loss, or casualty loss from determinations of annual income with respect to pensions for veterans and surviving spouses and children of veterans, S. 3355, to provide for an Internet website for information on benefits, resource, services, and opportunities for veterans and their families and caregivers, S. 3367, to amend title 38, United States Code, to increase the rate of pension for disabled veterans who are married to one another and both of whom require regular aid and attendance, S. 3368, to amend title 38, United States

Code, to authorize certain individuals to sign claims filed with the Secretary of Veterans Affairs on behalf of claimants, S. 3370, to amend title 38, United States Code, to improve the process by which an individual files jointly for social security and dependency and indemnity compensation, S. 1780, to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs, and S. 3377, to amend title 38, United States Code, to improve the multifamily transitional housing loan program of the Department of Veterans Affairs by requiring the Secretary of Veterans Affairs to issue loans for the construction of, rehabilitation of, or acquisition of land for multifamily transitional housing projects instead of guaranteeing loans for such purposes, after receiving testimony from Thomas J. Pamperin, Associate Deputy Under Secretary for Policy and Program Management, Veterans Benefits Administration, and Robert Jesse, Principal Deputy Under Secretary for Health, and Richard J. Hipolit, and Walter A. Hall, both Assistant General Counsel, each of the Veterans Health Administration, all of the Department of Veterans Affairs; Raymond M. Jefferson, Assistant Secretary of Labor for Veterans' Employment and Training Service; and Ian de Planque, The American Legion, Tom Tarantino, Iraq and Afghanistan Veterans of America, Eric A. Hilleman, Veterans of Foreign Wars, all of Washington, DC; and Richard Weidman and Alan Oates, both of Vietnam Veterans of America, Silver Spring, Maryland.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 8 public bills, H.R. 5339–5346; and 10 resolutions, H. Con. Res. 280; and H. Res. 1371–1379, were introduced. **Pages H3957–58**

Additional Cosponsors: **Pages H3658–59**

Report Filed: A report was filed today as follows:

H. Res. 1363, granting the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives to the Committee on Education and Labor for purposes of its investigation into underground coal mining safety (H. Rept. 110–487). **Page H3620**

Speaker: Read a letter from the Speaker wherein she appointed Representative Cuellar to act as Speaker pro tempore for today. **Page H3545**

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Dr. William Smith, Memorial Baptist Church, Arlington, Virginia. **Page H3545**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Eunice Kennedy Shriver Act: H.R. 5220, amended, to reauthorize the Special Olympics Sport and Empowerment Act of 2004 and to provide assistance to Best Buddies to support the expansion and development of mentoring programs; **Pages H3583–89**

Honorable Stephanie Tubbs Jones College Fire Prevention Act: H.R. 2136, to establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories; **Pages H3589–91**

Congratulating the Emporia State University Lady Hornets women's basketball team: H. Res. 1292, amended, to congratulate the Emporia State University Lady Hornets women's basketball team for winning the 2010 NCAA Division II National Championship, by a ⅔ recorded vote of 407 ayes to 1 no with 1 voting "present", Roll No. 282; **Pages H3591–93, H3622–23**

Recognizing the significant contributions of United States automobile dealerships: H. Res. 713, amended, to recognize the significant contributions of United States automobile dealerships, and to express the sense of the House of Representatives that in the interest of equity, automobile dealers whose franchises have been terminated through no fault of their own be given an opportunity of first consideration once the auto market rebounds and stabilizes; **Pages H3601–02**

Agreed to amend the title so as to read: "Recognizing the significant contributions of United States automobile dealerships, and expressing the sense of the House of Representatives that in the interest of equity, automobile dealers be given consideration to enter the automobile market once it rebounds and stabilizes.". **Page H3602**

Blue Star/Gold Star Flag Act: H.R. 2546, to ensure that the right of an individual to display the Service flag on residential property not be abridged; **Pages H3602–04**

Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010: H.R. 5139, amended, to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo; and **Pages H3612–13**

Establishing a United States Consulate in the Kurdistan Region of Iraq: H. Res. 873, amended, to establish a United States Consulate in the Kurdistan Region of Iraq. **Pages H3615–17**

Agreed to amend the title so as to read: "Calling for the establishment of a United States Consulate in the Kurdistan Region of Iraq along with similar efforts in other areas of Iraq.". **Page H3617**

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure:

America COMPETES Reauthorization Act of 2010: H.R. 5325, to invest in innovation through research and development, to improve the competitiveness of the United States, by a 2/3 yea-and-nay vote of 261 yeas to 148 nays, Roll No. 277. **Pages H3548–83, H3594**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, May 18th:

Juvenile Accountability Block Grants Program Reauthorization Act: H.R. 1514, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the juvenile accountability block grants program through fiscal year 2014, by a 2/3 yea-and-nay vote of 364 yeas to 45 nays, Roll No. 276; **Pages H3593–94**

Recognizing National Missing Children's Day: H. Res. 1325, amended, to recognize National Missing Children's Day, by a 2/3 yea-and-nay vote of 410 yeas with none voting "nay", Roll No. 278; **Pages H3594–95**

Celebrating the life and achievements of Lena Mary Calhoun Horne: H. Res. 1362, to celebrate the life and achievements of Lena Mary Calhoun Horne and to honor her for her triumphs against racial discrimination and her steadfast commitment to the civil rights of all people, by a 2/3 yea-and-nay vote of 405 yeas to 1 nay, Roll No. 279; **Pages H3595–96**

Michael C. Rothberg Post Office Designation Act: H.R. 5099, to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the "Michael C. Rothberg Post Office", by a 2/3 yea-and-nay vote of 410 yeas to 1 nay, Roll No. 280; **Page H3621**

Expressing the sense of the House of Representatives that there should be established a National Teacher Day to honor and celebrate teachers in the United States: H. Res. 403, to express the sense of the House of Representatives that there should be established a National Teacher Day to honor and celebrate teachers in the United States, by a 2/3 yea-and-nay vote of 405 yeas to 2 nays with 1 voting "present", Roll No. 281; and **Pages H3621–22**

Honoring the historic and community significance of the Chatham County Courthouse: H. Res. 1364, to honor the historic and community significance of the Chatham County Courthouse and to express condolences to Chatham County and the town of Pittsboro for the fire damage sustained by the courthouse on March 25, 2010, by a 2/3 recorded vote of 406 ayes to 1 no, Roll No. 283. **Page H3623**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Congratulating the University of Texas men's swimming and diving team for winning the NCAA Division I national championship: H. Res. 1336, to congratulate the University of Texas men's swimming and diving team for winning the NCAA Division I national championship; **Pages H3596–97**

Recognizing North Carolina Central University on its 100th anniversary: H. Res. 1361, amended, to recognize North Carolina Central University on its 100th anniversary; **Pages H3597–99**

Expressing support for designation of September as National Childhood Obesity Awareness Month: H. Res. 996, amended, to express support for designation of September as National Childhood Obesity Awareness Month; **Pages H3599–H3601**

5-Star Generals Commemorative Coin Act: H.R. 1177, amended, to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College; **Pages H3604–08**

Stewart Lee Udall Department of the Interior Building: H.R. 5128, amended, to designate the Department of the Interior Building in Washington,

District of Columbia, as the "Stewart Lee Udall Department of the Interior Building"; **Pages H3609–10**

Expressing support for designation of May as National Foster Care Month: H. Res. 1339, to express support for designation of May as National Foster Care Month and to acknowledge the responsibility that Congress has to promote safety, well-being, improved outcomes, and permanency for the Nation's collective children; **Pages H3610–12**

Expressing condolences and sympathies for the people of China following the tragic earthquake in the Qinghai province of the Peoples Republic of China on April 14, 2010: H. Res. 1324, to express condolences and sympathies for the people of China following the tragic earthquake in the Qinghai province of the Peoples Republic of China on April 14, 2010; and **Pages H3613–15**

United States-Israel Missile Defense Cooperation and Support Act: H.R. 5327, amended, to authorize assistance to Israel for the Iron Dome anti-missile defense system. **Pages H3617–20**

Senate Message: Message received from the Senate today appears on page H3545.

Senate Referral: S. 736 was referred to the Committee on Oversight and Government Reform. **Page H3655**

Quorum Calls—Votes: Six yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H3593, H3594, H3594–95, H3521, H3621–22, H3622–23, and H3623. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:04 p.m.

Committee Meetings

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Committee on Armed Services: Ordered reported, as amended, H.R. 5136, National Defense Authorization Act for Fiscal Year 2011.

SUCCESSFUL SCHOOL TURNAROUND

Committee on Education and Labor: Held a hearing on Research and Best Practices on Successful School Turnaround. Testimony was heard from public witnesses.

ASSISTANCE, QUALITY, AND AFFORDABILITY ACT OF 2010

Committee on Energy and Commerce: Subcommittee on Energy and Environment approved for full Committee action, as amended, H.R. 5320, Assistance, Quality, and Affordability Act of 2010.

SMALL BUSINESS LENDING FUND ACT OF 2010

Committee on Financial Services: Ordered reported, as amended, H.R. 5297, Small Business Lending Fund Act of 2010.

VIEWPOINTS ON HOMELAND SECURITY

Committee on Homeland Security: Held a hearing entitled "Viewpoints on Homeland Security: A Discussion with the 9/11 Commissioners." Testimony was heard from the following former members of the National Commission on Terrorist Attacks Upon the United States: Thomas Kean, former Chairman, and former Governor of New Jersey; and Lee Hamilton, former Vice-Chair, and former Representative from Indiana.

TRANSFORMING FEDERAL HIRING

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service, and the District of Columbia held a hearing entitled "Jobs, Jobs, Jobs: Transforming Federal Hiring." Testimony was heard from John Berry, Director, OPM, and public witnesses.

DEFENSE ACQUISITION REFORM

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs held a hearing entitled "Defense Acquisitions: One Year After Reform." Testimony was heard from Mike Sullivan, Director, Acquisition and Sourcing Management, GAO; and the following officials of the Department of Defense: Nancy Spruill, Director, Acquisition Resources and Analysis, Office of the Under Secretary, Acquisition, Technology and Logistics; and John Roth, Deputy Comptroller, Program/Budget, Office of the Under Secretary (Comptroller).

UNDERGROUND COAL MINING SAFETY INVESTIGATION AUTHORITY

Committee on Rules: Ordered reported H. Res. 1363, Granting the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives to the Committee on Education and Labor for purposes of its investigations into underground coal mining safety.

Prior to this action, the Committee held a hearing on this measure. Testimony was heard from Chairman George Miller of California.

U.S. NUCLEAR TECHNOLOGY RESEARCH AND DEVELOPMENT

Committee on Science and Technology: Held a hearing on Charting the Course for American Nuclear Technology: Evaluating the Department of Energy's Nuclear Energy Research and Development Roadmap.

Testimony was heard from Warren P. Miller, Assistant Secretary, Office of Nuclear Energy, Department of Energy; and public witnesses.

DEEPWATER HORIZON OIL SPILL

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Deepwater Horizon: Oil Spill Prevention and Response Measures and Natural Resource Impacts. Testimony was heard from Lisa P. Jackson, Administrator, EPA; Jane Lubchenco, Under Secretary, Oceans and Atmosphere and Administrator, NOAA, Department of Commerce; S. Elizabeth Birnbaum, Director, Minerals Management Service, Department of the Interior; RADM Brian Salerno, USCG, Assistant Commander, Marine Safety, Security, and Stewardship, U.S. Coast Guard, Department of Homeland Security; Lamar McKay, Chairman and President, BP America, Inc., and Steven Newman, President and CEO, Transocean Limited.

VA INFORMATION SECURITY ASSESSMENT

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on Assessing Information Security at the U.S. Department of Veterans Affairs. Testimony was heard from the following officials of the Department of Veterans Affairs: Belinda J. Finn, Assistant Inspector General, Audits and Investigations, Office of Inspector General; and Roger W. Baker, Assistant Secretary, Information and Technology; and Gregory C. Wilshusen, Director, Information Security Issues, GAO.

INTERNET GAMBLING LEGALIZATION TAX PROPOSALS

Committee on Ways and Means: Held a hearing on tax proposals related to legislation to legalize Internet gambling. Testimony was heard from Representatives Frank of Massachusetts, McDermott, and Goodlatte; the following officials of the Department of the Treasury: Christopher Wagner, Commissioner, Self-Employed Division; and Rebecca Sparkman, Deputy Director, Operations, Criminal Investigation Division, both with the IRS; and Charles M. Steele, Deputy Director, Financial Crimes Enforcement Network.

FINANCIAL INTELLIGENCE

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence met in executive session to hold a hearing on Financial Intelligence. Testimony was heard from departmental witnesses.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D556)*

H.R. 3714, to amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries. Signed on May 17, 2010. (Public Law 111–166)

COMMITTEE MEETINGS FOR THURSDAY, MAY 20, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Military Construction and Veterans Affairs, and Related Agencies, with the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, to hold joint hearings to examine the progress in ending veterans' homelessness, 10 a.m., SD–124.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine investing in mine safety, focusing on preventing another disaster, 2 p.m., SD–106.

Subcommittee on Financial Services and General Government, to hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Federal Trade Commission, 2:30 p.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment, to hold hearings to examine the causes and lessons of the May 6th market plunge, 9:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nomination of Carl Wieman, of Colorado, to be an Associate Director of the Office of Science and Technology Policy, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine S. 2921, to provide for the conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area, to require the Secretary of the Interior to designate certain offices to serve as Renewable Energy Coordination Offices for coordination of Federal permits for renewable energy projects and transmission lines to integrate renewable energy development, 9:30 a.m., SD–366.

Committee on Environment and Public Works: business meeting to consider S. 3362, to amend the Clean Air Act to direct the Administrator of the Environmental Protection Agency to provide competitive grants to publicly funded schools to implement effective technologies to reduce air pollutants (as defined in section 302 of the Clean Air Act), including greenhouse gas emissions, in accordance with that Act, S. 3250, to provide for the training of Federal building personnel, S. 3372, to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, S. 3363, to

amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act, S. 3374, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish a grant program to revitalize brownfield sites for the purpose of locating renewable electricity generation facilities on those sites, S. 3373, to address the health and economic development impacts of nonattainment of federally mandated air quality standards in the San Joaquin Valley, California, by designating air quality empowerment zones, H.R. 4275, to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the ''John C. Godbold Federal Building'', S. 3248, to designate the Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building'', and a proposed resolution relating to the General Services Administration, 9:30 a.m., SD–406.

Committee on Finance: Subcommittee on Energy, Natural Resources, and Infrastructure, to hold hearings to examine clean technology manufacturing competitiveness, focusing on the role of tax incentives, 2:30 p.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the North Atlantic Treaty Organization (NATO), focusing on a report of the group of experts, 9:15 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Contracting Oversight, to hold hearings to examine counternarcotics contracts in Latin America, 10:30 a.m., SD–342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine efforts to right-size the Federal employee-to-contractor mix, 2:30 p.m., SD–342.

Committee on the Judiciary: business meeting to consider S. 193, to create and extend certain temporary district court judgeships, H.R. 4506, to authorize the appointment of additional bankruptcy judges, H.R. 1933, to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and the nominations of Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit, John A. Gibney, Jr., to be United States District Judge for the Eastern District of Virginia, and Stephanie A. Finley, to be United States Attorney for the Western District of Louisiana, Scott Jerome Parker, to be United States Marshal for the Eastern District of North Carolina, and Darryl Keith McPherson, to be United States Marshal for the Northern District of Illinois, all of the Department of Justice, 10 a.m., SD–226.

House

Committee on Appropriations, Subcommittee on Defense, on Public Witnesses, 9 a.m., H–140 Capitol.

Committee on Education and Labor, hearing on the Impact of Concussions on High School Athletes, 9 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, to mark up the Motor Vehicle Safety Act of 2010, 2 p.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''Update on Toyota and NHTSA's Response to the Problem of Sudden Unintended Acceleration,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on International Monetary Policy and Trade and the Subcommittee on Domestic Monetary Policy and Technology, joint hearing entitled ''The Role of the International Monetary Fund and Federal Reserve in Stabilizing Europe,'' 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Asia., the Pacific and the Global Environment, oversight hearing on the Compact of Free Association with the Republic of the Marshall Islands: Medical Treatment of the Marshallese People, U.S. Nuclear Tests, Nuclear Claims Tribunal, Forced Resettlement, Use of Kwajalein Atoll for Missile Programs and Land Use Development, 2 p.m., 2172 Rayburn.

Subcommittee on International Organizations, Human Rights and Oversight, hearing on Afghanistan Reconstruction Oversight, 9:30 a. m., 2172 Rayburn.

Committee on House Administration, to mark up H.R. 5175, Democracy is Strengthened by Casting Light on Spending in Elections Act, 1 p.m., 1310 Longworth.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on the Administrative Conference of the United States, 2 p.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing on Rape Kit Backlogs: Failing the Test of Providing Justice to Sexual Assault Survivors, 9 a.m., 2141 Rayburn.

Committee on Oversight and Government Reform, hearing entitled ''Running out of Time: Telecommunications Transition Delays Wasting Millions of Federal Dollars,'' 9 a.m., and to mark up the following measures: H. R. 4900, Federal Information Security Amendments Act of 2010; H.R. 2142, Government Efficiency, Effectiveness, and Performance Improvement Act of 2009; H. Res. 1121, Congratulating Clinton County and the count seat of Wilmington, Ohio, on the occasion of their bicentennial anniversaries; H. Res. 1172, Recognizing the life and achievements of Will Keith Kellogg; H. Res. 1330, Recognizing June 8, 2010, as World Ocean Day; H. Res. 1357, Commending and congratulating the Hollywood Walk of Fame on the occasion of its 50th anniversary; and H.R. 5278, To designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building,'' 2 p.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Investigations and Oversight, hearing on Preventing Harm—Protecting Health: Reforming CDC's Environmental Public Health Practices, 9 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on Too Much For

Too Little: Finding the Cost-Risk Balance for Protecting Federal Employees in Leased Facilities, 2 p.m., 2167 Rayburn.

Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on the Implementation of the Pipeline Inspection, Protection, Enforcement and Safety Act of 2006 and Reauthorization of the Pipeline Safety Program, 9:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs and the Subcommittee on Health, joint hearing on Healing the Wounds: Evaluating Military Sexual Trauma Issues, 10 a.m., 334 Cannon.

Subcommittee on Economic Opportunity, hearing on the Loan Guaranty Program, 1 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Trade, hearing to review customs operations administered by U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, 1 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence, executive, briefing on Hot Sports, 1:30 p..m., 304–HVC.

Select Committee on Energy Independence and Global Warming, hearing entitled ''Climate Science in the Political Arena,'' 9 a.m., 1334 Longworth.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, May 20

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 3217, Restoring American Financial Stability Act, and vote on the motion to invoke cloture on Reid (for Dodd/Lincoln) Amendment No. 3739 at 2:30 p.m.

(Senate will recess from 10:40 a.m. until 12:00 noon for a Joint Meeting of Congress to receive an address from His Excellency Felipe Calderon Hinojosa, the President of Mexico, at 11 a.m. Senators will gather in the chamber at 10:30 a.m. and will depart from the Senate Chamber at 10:40 a.m. to proceed as a body to the Hall of the House.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, May 20

House Chamber

Program for Thursday: Joint Meeting with the Senate to receive His Excellency Felipe Calderón Hinojosa, President of Mexico.

Extensions of Remarks, as inserted in this issue

HOUSE

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