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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

Rev. Scott Moore, Doctoral Student, Erfurt, Germany, offered the following prayer:

God of the nations, You have chosen many and various ways to show Your presence in the world. You have been a guiding light in dark times and a refuge against the storms of life.

We ask You to send the Spirit of Your holy wisdom and compassion to the Members of the 111th Congress, who gather here for this most important work.

Strengthen them in their work for justice. Lead them in their work for peace. Guide them as they speak and act for all who would call this great land their home. Bless their families, and bless them in their work today.

Grant them the opportunity and the serenity, O Lord, to reflect on all they have achieved so far, and unite them in a common vision inspired by Your love.

We ask this in the Name of the One who calls each of us by name.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN 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.

ANNOUNCEMENT BY THE SPEAKER

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

IMPROVING THE ECONOMY AND CREATING JOBS

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

Ms. SCHWARTZ. Madam Speaker, last week, the Small Business Jobs Act was signed into law, marking the latest effort by the Democratic Congress to partner with small businesses to put the economy back on track.

The Jobs Act makes $30 billion in lending and $12 billion in tax breaks available to small businesses to create 500,000 new jobs. The Democratic Congress has already helped small businesses by providing tax credits for hiring unemployed workers, by reducing tariffs on goods used in U.S. manufacturing and by expanding incentives for capital investments.

Nearly 2 years ago, our economy was losing 700,000 jobs per month. Now we are on pace to create hundreds of thousands of new jobs in the private sector.

Yet, instead of joining with us to grow small businesses and the jobs they create, Republicans in Congress opposed loans to small businesses, opposed tax incentives for businesses to hire unemployed workers, opposed tax credits for health benefits, and opposed new incentives for business investments.

Democratic Members stood up to provide American businesses with the right tools to innovate and create jobs. Access to capital, encouraging investment and hiring will ensure that we are continuing to create new jobs today and for tomorrow.

□ 1010

CONGRATULATING US1 RADIO ON ITS 30TH ANNIVERSARY

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate US1 Radio on celebrating 30 years on the air. For many residents, US1 provides the soundtrack for the Keys. Since 1989, US1 Radio has been the most listened to radio station in the Florida Keys. The station also received the Edward R. Murrow Award for broadcasting during Hurricane George. These hard-earned accolades are due not only to its great programming but also to the station's commitment to the Keys community.

After the BP oil spill, US1 Radio provided information to Monroe residents to keep them updated and aware of the situation. And there is no oil in the Keys, folks. Come on down.

Congratulations to Bill Becker, Ezra Marcus, Kevin LeRoux, Kevin Redding, and all of the staff at US1 Radio for their hard work. Here's to 30 more years of US1 Radio.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT

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

Mrs. MALONEY. Mr. Speaker, today we are considering a bill that is overwhelmingly supported by the American people. The James Zadroga 9/11 Health and Compensation Act, which I offered along with the entire New York delegation, will provide needed health care for more than 36,000 Americans who are sick or injured because of 9/11.

This is a national issue. Those who are suffering come from all 50 States, which this chart shows. The darker

color shows States that have more than 1,000 of their residents enrolled in health programs. For those Americans, the 9/11 attacks are not history but are an ongoing nightmare that is slowly robbing them of their health, their strength, their livelihood, and, in some cases, their lives.

Thousands lost their lives 9 years ago, but since then, thousands and thousands more have lost their health. This is not an entitlement program. This is a responsibility to take care of those who took care of us when our Nation was attacked, and this bill sends a message to future generations that we take care of our veterans from the war against terror.

In today's debate, I hope that all Members will put politics aside and, in a bipartisan way, honor and respect the sacrifices of the 9/11 victims.

A PLEDGE TO AMERICA WITH TAX CUTS

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

Mr. WILSON of South Carolina. Mr. Speaker, after months of disastrous job losses and free-for-all spending sprees, it is quite obvious that a new way forward is very much needed. Through town hall meetings, district tours, and interactive forums, House Republicans heard the pleas from hardworking Americans wanting to correct Washington's misplaced priorities.

Last week, we answered their call and provided concrete solutions for immediate action to create jobs, stop frivolous spending, enhance national security, improve health care, and reform a broken Washington.

Not only will we extend tax cuts for all Americans, we will, additionally, allow small business owners to take a tax deduction equal to 20 percent. This is crucial that we move quickly on this NFIB goal, as it will allow entrepreneurs to keep their own earnings for investments for new jobs.

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

Congratulations to Joy and Julian Wilson on the birth Friday, September 24, 2010, of Julian Dusenbury Wilson, Jr., at Lexington Medical Center in West Columbia, South Carolina.

PROGRESS FOR AMERICAN SMALL BUSINESS

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

Mr. BACA. Last week, this Chamber passed another measure to move America's small business forward, the backbone of this country. The Small Business Jobs Act provides $12 billion in tax cuts for America's small businesses and creates a $30 billion lending fund to increase available capital and spur small business lending right here in America and not overseas.

This bill was one of many that congressional Democrats worked on to provide relief for hardworking Americans. That is why we passed the Recovery Act, which boosted SBA funding to authorize loans. That is why President Obama has already signed into law eight separate small business tax cuts.

Republicans don't seem to get it. Instead of working for the people, they would rather work to obstruct and continue to be the Party of No.

On the other hand, congressional Democrats and the President have constantly supported the American economic backbone. We didn't create this economic mess, but I am confident that we will be the ones to lead us out of it.

BORDER FENCE

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

Mr. POE of Texas. Mr. Speaker, in spite of objections to the contrary, a fence is still being built along the southern border. Illegals objected to this but the President is resilient. He is standing firm on his commitment to build the fence to keep illegals out.

You see, over 500,000 illegals cross the border every year into Mexico, and the fence is being built at the southern end of Mexico to keep people like Guatemalans out. It's the Mexican southern border that they're protecting.

You know, Calderon demands that the United States not build a fence. He arrogantly demands the Arizona law not be enforced, but when Mexico has problems with illegals coming to ''take jobs that Mexicans won't do,'' Calderon says he's building a fence on his southern border, whether illegals like it or not.

Every country has the right to defend its border. We should stop listening to anything President Calderon says and do what's right for our country. Secure our borders by sending immediately the National Guard to our southern border.

And that's just the way it is.

PASS THE MIDDLE CLASS TAX CUTS

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

Mr. PASCRELL. Mr. Speaker, middle class families are the backbone of our economy, and that is why we should not wait any longer to vote on extending tax cuts for these middle class families. There is near universal agreement to extend these cuts. There is also agreement that we should extend the investment portion of the current Tax Code. So we need a universal agreement to extend the cuts. We can and must take this action now. There is uncertainty within American families and there is uncertainty in businesses.

Extension of these taxes have been held hostage by the discussion of whether to extend the rates for the wealthiest Americans. We can't afford $700 billion over 10 years just for the highest income earners with 79 percent of that $700 billion, get this, going to less than one-fifth of 1 percent of all American taxpayers. That's preposterous.

The nonpartisan Tax Policy Center has said the extension of middle class tax cuts would affect less than 2 percent of all small business. My colleagues—CAPUANO, HIGGINS, and OWENS—have put forth our own proposal: a 5-year extension of the current middle class tax cuts, a 5-year extension of the current rates on long-term capital gains and qualified dividends, and a 1-year extension of the highest tax rates of those making up to $500,000.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 847, JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010; PROVIDING FOR CONSIDERATION OF H.R. 2378, CURRENCY REFORM FOR FAIR TRADE ACT; AND PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111–648) on the resolution (H. Res. 1674) providing for consideration of the bill (H.R. 847) to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes; providing for consideration of the bill (H.R. 2378) to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes; and providing for consideration of the Senate amendment to the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

TAX AND SPEND DEMOCRATS

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

Mr. SMITH of Texas. Mr. Speaker, Democrats in Congress won't tell the American people how much they're going to raise their taxes. They're going to wait till after the election when we come back into session.

And Democrats in Congress won't tell the American people how they're

going to spend their money. For the first time in 35 years, no budget was offered.

Meanwhile, the Democrats are spending almost $2 for every $1 the Federal Government collects. That puts a drag on the economy and kills jobs.

The American people have had enough. It's time to end the one-party monopoly in Washington.

□ 1020

TAX CUT EXTENSIONS

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

Mr. NEAL. Mr. Speaker, this Democrat will tell you what we intend to do. We have heard a lot of conflicting opinions during the past week about whether to extend the tax cuts for those at the top of the ladder. It is difficult to break through the clutter. But what is clear in this basic argument is it's about fairness and the type of tax system that we want to create.

A recent analysis shows at various income levels both the cumulative benefit of tax cuts and the 2011 benefit, if we extend the tax cuts to everyone. Since 2004, those earning $10,000 have received $335 in total tax benefits. And next year they can look forward to an additional $5 if we extend the Bush tax cuts. Now, for someone earning more than $7 million, we will note that they have enjoyed more than $2 million in tax benefits since 2004. And next year they can look forward to $339,000 in tax cuts if we extend the tax cut system that President Bush offered as-is.

Five dollars versus $339,000? It's a basic question of fairness. The tax code should treat working families better.

HONORING HINSDALE DEPUTY FIRE CHIEF MARK JOHNSON

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

Mrs. BIGGERT. Mr. Speaker, I rise today with heavy heart to mourn the loss, in my hometown, of the Hinsdale Fire Department's Deputy Chief Mark Johnson. Mark's family, his fellow firefighters, and the community of Hinsdale are grieving his unexpected loss, but we are also celebrating his life as a dedicated public servant.

In 1986 Mark joined the Hinsdale Fire Department and has since served as a firefighter, lieutenant, captain, and finally deputy chief. He was driven, committed to the job, and a mentor for many young firefighters. His colleagues remember him as someone you could always count on and a selfless, positive person to be around.

A seasoned veteran with the fire department, Mark dedicated his career to saving lives and rescuing people from harm's way. He will be truly remembered as a hero. In addition to his work, he was loved and respected by all who knew him. The community of Hinsdale has really lost one of our own. I offer my deepest sympathies to his wife, Cheryl, and his son, Matt.

DEPARTMENT OF DEFENSE INDEMNIFICATION

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

Mr. BLUMENAUER. Mr. Speaker, in working with 26 Oregon National Guard members who have filed a lawsuit against defense contractor KBR, I discovered these Oregon veterans have a compelling case that, while serving in Iraq, KBR's negligence resulted in their poisoning by hexavalent chromium, a very potent carcinogen. In the legal proceedings, KBR recently revealed the existence of a still-classified contract clause that could shift the cost of all the damages and court fees onto the Department of Defense and, of course by extension, the U.S. taxpayers.

I vowed to fight to end a contracting flaw that can shield contractors from their own reckless behavior and removes incentives for them to operate responsibly. Today I will introduce legislation that will set important long overdue limits to indemnification agreements and to correct this problem with congressional oversight of the defense contracting process. I hope my colleagues will join me in passing this legislation before the end of the session.

EXTENDING THE TAX CUTS

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

Mr. BUCHANAN. Mr. Speaker, when we talk about this tax debate, it needs to be less about politics and more about doing what's right for the American people. On January 1, everybody's taxes are going to go up $3.9 trillion overall. The lowest tax bracket goes from 15 percent to 25 percent. A family of four, $1,540.

Most importantly, everybody is talking about jobs and the economy. It's the number one issue in our area. We have 13 percent unemployment. They are looking at raising taxes on small business. They create 70 percent of the jobs. I know personally that it will have a huge impact, as someone who was an employer for 30 years and created thousands of jobs.

We are in the worst recession since the Depression. We don't need a tax increase today. We need to take the politics out of this and do everything that we can in the best interests of the American people. We need to extend all the tax cuts.

AWARDING THE PURPLE HEART

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

Ms. PINGREE of Maine. Mr. Speaker, a recent investigation has found that the Department of Defense has been denying Purple Heart medals for soldiers and marines who were injured by IEDs in Iraq. Some of these awards were denied because the injured troops received only ''minimal medical attention.''

Mr. Speaker, if you are serving our country and you are injured by the enemy, you are entitled to a Purple Heart, period. It is not something subject to interpretation by a Pentagon bureaucrat. It is not something that can or should be denied based on small print or technicalities. It is utterly outrageous that veterans who continue to pay for this sacrifice with lasting effects of brain trauma are being denied this recognition because they don't have the ''right'' kind of injury. These men and women are defending our country, and when they suffer an injury at the hands of the enemy, we owe them. We owe them appropriate recognition in the form of a Purple Heart.

STOP JOB-KILLING TAX INCREASES

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

Ms. FOXX. Mr. Speaker, we must stop these job-killing tax increases. House Republicans have been listening to the American people. Unemployment near 10 percent is one of their chief concerns. So why are Democrats allowing both Chambers to adjourn without stopping this massive $3.9 trillion tax increase that will hurt small businesses and kill more jobs? Our friends across the aisle can adjourn the House this week and walk away from their responsibility to govern, or Speaker PELOSI could allow a full and open debate on tax increases before this House is adjourned. We want an up-or-down vote now. We can't allow the American people and small businesses to continue to face this uncertainty.

We were elected to serve the people in our districts, not to put our personal political gain ahead of our constituents' welfare. Let's vote before we adjourn to extend tax cuts for all Americans. No family and no job-creating small business owner should face a tax increase on January 1.

REMEMBERING THE AID WORKERS LOST IN AFGHANISTAN

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

Mr. TONKO. Mr. Speaker, I rise to honor the memory of 10 brave women and men who were killed in a tragic attack in northern Afghanistan in August, and to express my support for the resolution by the gentleman from Pennsylvania which we will consider here today.

This team of dedicated humanitarian aid workers was led by my constituent, Dr. Thomas Little. Tom and his wife, Libby, lived and worked in Afghanistan for more than 30 years. They raised three daughters there, Katie, Molly, and Nellika, and ran an organization that has long provided the majority of eye care services in Afghanistan. Though I am proud to call them constituents, Afghanistan has been their home.

Like so many parts of America, New York's 21st Congressional District has witnessed far too many deaths overseas this year, a fact no less true across the districts of Afghanistan where Tom Little worked with sight and lived with vision. Tom and his team were heroes, and I am honored to recognize their service and sacrifice to America, Afghanistan, and the ideals that unite us all.

HONORING AMIR ABO-SHAEER

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

Mrs. CAPPS. Mr. Speaker, I rise with great pride this morning to congratulate Amir Abo-Shaeer from Goleta, California. Mr. Abo-Shaeer was awarded a MacArthur Fellowship Grant for his tremendous work at Dos Pueblos High School as an engineering and physics teacher. He also established and leads the Dos Pueblos Engineering Academy, which competes annually in the Robotics World Championship, entitled FIRST.

For the last 2 years, the Dos Pueblos High School team, half of which are young women, has been awarded the Motorola Award for the best designed robot at the competition. Mr. Abo-Shaeer is the first public school teacher to win this prestigious award and a powerful testament to the importance of science and math education in our schools. His innovative, challenging, and outside-the-box teaching style is exactly what we need to create and inspire the next generation of American engineers, scientists, and innovators.

On behalf of the entire Santa Barbara community, I want to send the heartiest congratulations to this dedicated public servant.

□ 1030

AMERICA IS NOT FOR SALE

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

Mr. DEFAZIO. Mr. Speaker, the Republicans have a plan for America; not their so-called pledge, just a garbled rehash of the failed policies of the Bush era that put us in this mess.

The real plan, step one, try to block every Democratic initiative, even those that could aid our economic recovery, put people back to work. They would harm people for their own political ends. And if something passes, lie about it. Remember death panels?

Now, step two, aided and abetted by a right-wing activist Supreme Court overturning 100 years of precedent. New independent groups, independent groups every day, one a day, are filing with the Federal Elections Commission. They can raise and spend unlimited amounts of money anonymously, no disclosure necessary to try to buy the election for their Republican lap dog buddies.

Well, I have got news for you over on that side of the aisle: America is not for sale.

EXTENDING TAX CUTS

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

Mr. OWENS. Mr. Speaker, Democrats are committed to extending tax cuts for the middle class working families. Unfortunately, our friends on the other side of the aisle have been unwilling to compromise so far on tax cuts for the wealthy, which would add $700 billion to the national debt over the next 10 years.

I was proud to join several of my colleagues, led by Mr. PASCRELL and Mr. CAPUANO, in sending a letter to Speaker PELOSI and Leader BOEHNER advocating for a compromise on this issue. Our idea involves a 1-year extension of the higher tax rates for individuals and joint filers making under $500,000 annually, a 5-year extension of the middle class tax cuts for individuals making less than $200,000 and joint filers making less than $250,000 annually, and a 5-year extension of the current tax rates on long-term capital gains and qualified dividends.

I hope we come together to address this issue quickly when Congress returns. And I urge my colleagues on both sides of the aisle to focus on working out a compromise.

HONORING THE LIFE OF BISHOP KENNETH H. MOALES

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

Mr. HIMES. Mr. Speaker, a week ago the City of Bridgeport lost a friend, spiritual leader and powerful force for good in the community.

Bishop Kenneth H. Moales, whose humble origins in Father Panik Village public housing foreshadowed little of his lifelong leadership, dedicated his life to shepherding the souls and improving the worldly conditions of some of the least fortunate people in Fairfield County.

I worshipped in his church just 3 weeks ago, and the ministries of the Cathedral of the Holy Spirit and his presence among his flock reminded me of the saying of St. Francis of Assisi when he said, ''Always preach the gospel. Sometimes use words.''

The bishop was an accomplished musician, and his choirs enriched those who heard them and those who sang in them.

At one time or another, the bishop was contributing to just about every civic institution in Bridgeport, from the police to the YMCA.

Mr. Speaker, we will miss Bishop Moales, but we celebrate a life well lived. And we take confidence in the fact that, as of last week, the music in heaven got a whole lot better.

HONORING THE LIFE OF CORPORAL PHILIP CHARTE

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

Mr. MURPHY of New York. Mr. Speaker, I rise today with the very sad duty of reporting the tragic loss of U.S. Marine Corps Corporal Philip Charte. He had just turned 22 years old. Charte was killed in action in Afghanistan on Monday, September 6, 2010.

Corporal Charte, a rifleman, joined the Marines in June 2007, the same day he graduated high school. Last year he served in Iraq; and after being promoted to Corporal little more than a few months ago, he was deployed once again, this time to Afghanistan.

Corporal Charte was willing to give his life in service to all of us and to the country he loved. Our gratitude cannot simply be expressed nor our sorrow properly conveyed.

Charte will be remembered as many things: a prankster, a dedicated athlete, a competitor and a teammate. But above all else, he was a soldier, serving his country and community with honor.

While Philip lived in New Hampshire, he grew up and his family still lives in Washington County in New York. My heart goes out to Philip's father, also named Philip, and his sister, Alicia.

His father perhaps said it best: ''Philip served his country with courage, honor and distinction. He was a great son, brother, nephew, uncle and friend. He will be missed sorely.''

On behalf of a grateful Nation, our thoughts and prayers are with the entire Charte family during this incredibly difficult time.

NASA REAUTHORIZATION BILL

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, thank you so very much for the opportunity to address this House on an important issue that will be confronting this Congress today, and that is the recommitment of the American people to a dream and a challenge of John F. Kennedy. Today we will reauthorize the NASA reauthorization bill, if you will, or the authorization bill, to be able to commit America's future to science and technology.

Although I would have advocated stronger for the work of the House and

Chairman GORDON, I believe that we have the opportunity now to save jobs and to promote science and technology and to provide for the creation of the heavy lift launch vehicle and stop the termination of the workforce, technical workforce and contractor jobs that are all across America from Mississippi to Houston, Texas.

In addition, this funding will support the development of commercial crew services. Although I am concerned about the heavy emphasis on commercialization to the exclusion, sometimes, of human space exploration, I want to see jobs being created and jobs being saved.

And so I will rise to the floor today thanking the House Science Committee and saying that NASA needs to be reauthorized and jobs need to be saved.

YOU CAN'T HAVE IT BOTH WAYS

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

Mr. COHEN. Mr. Speaker, I have been home for a while during the break and during these 3 weeks listening to constituents; and I understand there are a lot of constituents that are upset because the economy hasn't come back completely. But the economy is getting better, and a great indicator of that is the Dow Jones average which has gone up in the 10,800 range now. It has gone up tremendously this month.

The American Recovery and Reinvestment Act, called the stimulus bill, has been maligned. But it has been responsible for at least 3 million jobs: firemen, policemen and teachers being kept on public payrolls and keeping taxes down and public employees hired.

The middle class has been threatened and threatened greatly. And as I sit in committee meetings and think about the future and what would happen if this House turned over to the other side, I realize the middle class would be greatly hurt. It is the middle class that is hurting. It is the middle that is concerned.

The middle class is most of the tea party, but the tea party is being led by some of the richest people in the country who are more concerned about the estate tax and getting 100 percent of their money sent to the next generation tax free, contributing greatly to the deficit, and to seeing that the upper 2 percent get their tax cuts given during the Bush years, which means a $700 billion addition to the deficit.

They talk deficit, and they also talk about taxes and spending. Well, you can't have it both ways. The bottom line is the richest people of the country are pushing the middle class in a direction that will run them off a cliff. And their home is with the Democratic Party that is helping small business and providing jobs.

PROVIDING FOR CONSIDERATION OF H.R. 847, JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010; PROVIDING FOR CONSIDERATION OF H.R. 2378, CURRENCY REFORM FOR FAIR TRADE ACT; AND PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1674 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1674

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 847) to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendments recommended by the Committees on Energy and Commerce and the Judiciary now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate, with 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2378) to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 3. Upon adoption of this resolution, it shall be in order to take from the Speaker's table the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Permanent Select Committee on Intelligence or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

□ 1040

The SPEAKER pro tempore (Mr. PASTOR of Arizona). The gentleman from New York (Mr. ARCURI) is recognized for 1 hour.

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

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on House Resolution 1674.

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

There was no objection.

Mr. ARCURI. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1674 provides for the consideration of three bills in one rule:

H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010. The rule provides 1 hour of general debate, with 30 minutes controlled by the Committee on Energy and Commerce, 20 minutes controlled by the Committee on the Judiciary, and 10 minutes controlled by the Committee on Ways and Means. The rule considers as adopted the substitute amendment printed in the report of the Committee on Rules. Finally, the rule provides one motion to recommit H.R. 847, with or without instructions;

H.R. 2378, the Currency Reform for Fair Trade Act. The rule provides 1 hour for general debate controlled by the Committee on Ways and Means. The rule makes in order the substitute that was adopted by voice vote in the Ways and Means Committee last week. And, finally, the rule provides one motion to recommit, with or without instructions; and, three,

The Senate amendment to H.R. 2701, the Intelligence Authorization Act of 2010. The rule makes in order a motion offered by the chair of the Permanent Select Committee on Intelligence that the House concur in the Senate amendment. The motion is debatable for 1 hour, controlled by the Permanent Select Committee on Intelligence.

Mr. Speaker, all three bills that this rule provides for consideration of are important and very pressing matters. I

will speak to the merits of each this morning, but let me take this opportunity to begin by discussing H.R. 847, the James Zadroga 9/11 Health and Compensation Act.

I want to start by thanking Congresswoman CAROLYN MALONEY, Speaker PELOSI, and Leader HOYER for their dedication to the heroes and heroines and survivors of 9/11. I would like to thank all my colleagues in the New York delegation. With their support, we will finally do, after 9 years, what has been so long overdue—guarantee help for the survivors who served their country in the time of a national emergency.

The 9/11 attacks were attacks on the United States. The response was a national response, and providing for those heroes who served our Nation is our responsibility because many of them are sick and dying today as a result of their service to our country. This is not a New York bill, no. This is a bill for America.

As has been repeated many times, there are more than 71,000 people enrolled in the Federal World Trade Health Registry from—and I cannot stress this enough—every single State in the country. Thousands of firefighters, rescue workers, first responders, medical personnel, and construction workers traveled to Ground Zero to help search for survivors, to help clean up, and to help New York City recover. Many spent days, weeks, or months doing this hard work on behalf of our Nation. These heroes are now sick. We owe them more than we are currently providing. We are indebted to their service, and we must repay that debt if we hope to be able to count on others to act with similar valor if, God forbid, we were ever to face another national emergency of that nature again.

I strongly urge my colleagues, whether they be Democrat or Republican, liberal or conservative, northern or southern, eastern or western, to vote ''yes'' on the previous question and to vote ''yes'' on the rule and vote ''yes'' on the bill. Those who stood up for our country in the wake of 9/11 are now counting on each of us to stand up for them.

Another important measure of this rule allows for the consideration of H.R. 2378, the Currency Reform for Fair Trade Act, which is necessary to level the international playing field so that United States manufacturers can fairly compete with our trading partners.

China is, without a doubt, undercutting our Nation's industrial base by devaluing its currency and dumping products into our markets, and we must do something about it.

There is no way our domestic manufacturers can compete globally when our trading partners don't play by the same rules. Without action, we face the possibility of losing thousands of fair wage manufacturing jobs in upstate New York as well as across the Nation.

I have dealt with this countless times with the steel industry and have testified before the House Ways and Means Committee and the International Trade Commission to express my views. It is one of the reasons I became a cosponsor of the Currency Reform for Fair Trade Act, along with 159 of my House colleagues, Republicans and Democrats alike, because we feel that countries like China that devalue their currency should be held accountable, and, as a Nation, we should have the ability to defend our domestic business.

This rule provides for consideration of H.R. 2378, the Currency Reform for Fair Trade Act, which will require the Department of Commerce to assess whether a Nation's currency rules grant a benefit in terms of the additional currency the country's exporters receive as a result of the undervaluation and to use widely accepted IMF methods for determining the level of undervaluation.

As amended, H.R. 2378 is WTO consistent, because countervailing duties may only be imposed when commerce finds, based on an assessment of all the facts, the WTO criteria for an export subsidy have been met.

Again, I urge all Members to support this rule so that we can have a debate here today on this legislation which is so important to the businesses and employees that each of us represent.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentleman from New York (Mr. ARCURI), for the time, and I yield myself such time as I may consume.

Today, the majority brings to the floor another closed rule denying the minority, denying all Members, the right to offer amendments, in this case, to three very important bills. Despite debating over 130 rules bringing legislation to the floor of this Congress, we have yet to see one open rule. We have before us a closed rule, as I said before, Mr. Speaker, bringing three important pieces of legislation to the floor:

The 9/11 Health and Compensation legislation. It is important that we honor the police and firefighters, the first responders and volunteers also, that served New York and, really, our entire country in the aftermath of the 9/11/2001 terrorist attacks.

□ 1050

Those brave men and women deserve to be treated fairly, and their families as well. Unfortunately, as noble as this bill is, it is paid for by increased taxes on companies located in the United States that are employing American workers. Many of us believe that at a time of high unemployment and really evident economic stagnation, our country should not allow the majority to raise taxes.

With regard to the currency legislation, it is meant, Mr. Speaker, to provide leverage to the administration, to the President, in what is America's ongoing work to achieve a proper valuation of the Chinese regime's currency. Despite the best efforts of the Secretary of the Treasury, Mr. Geithner, and others, the PRC regime has given no indication that they are willing to advance efforts to create a level playing field, and that is not acceptable.

The distinguished ranking member of the Ways and Means Committee, Mr. CAMP, has included changes in the legislation meant to make the bill compliant with WTO regulations. But, Mr. Speaker, make no mistake, the bill is about sending a message to the PRC regime, a message of American unity, and it is important, it is very important at this time. I think the legislation will move us closer to correcting an obvious unacceptable situation which the PRC regime insists on maintaining, but they need to be clearly informed that they are wrong.

With regard to the intelligence authorization, this is the third time in this Congress that legislation has been brought to the House floor. The most recent delay was the result of a disagreement between the Speaker and the administration, and that has caused a significant delay, about an 8 month delay.

But the third time doesn't seem to be the charm for the majority to allow an open process to consider this legislation that is very important to our national security. One Republican amendment was allowed during the first consideration of the legislation; four Republican amendments the second time, while 26 majority amendments were made in order; and now we are facing a closed rule, no amendments.

The underlying bill contains changes that were negotiated with no House Republican input. The collaboration of one Republican Senator led the majority to declare that this is a bipartisan bill. That is not serious.

Despite the Speaker's insistence on delaying the legislation, the delay has resulted in little tangible change to the requirement to notify leaders of this body in the Intelligence committees. Instead, the administration under the bill retains authority to decide on its own which Members of Congress receive those vital briefings.

The legislation also removes the prohibition on using intelligence funding to bring prisoners from Guantanamo to the United States, and it excludes a bipartisan amendment that would prohibit the granting of Miranda rights to foreign terrorists captured overseas.

I know, Mr. Speaker, the majority wishes to rush to the exit to be back in their districts campaigning, but we should not pass a bill that hurts the intelligence community in the process.

I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my colleague from New York for yielding to me.

Mr. Speaker, I rise today in support of the rule on H.R. 847, the James Zadroga 9/11 Health and Compensation Act.

We all know on September 11, 2001, what happened, and I said it on the House floor shortly thereafter and I repeat it again today that I was never more proud to be an American and a New Yorker than on that day. Many of my constituents rushed in to help. Tearfully, many of them perished.

But within days of the attack, over 40,000 responders from across the Nation, let me repeat, across the United States, 431 congressional districts out of 435, these heroes descended upon Ground Zero to do anything possible to help with the rescue, recovery, and cleanup.

The people that rushed in didn't put themselves first. They selflessly helped others. They rushed in to help their fellow human beings. And the question is, why should we now penalize these people who risked their lives?

They thought it was safe to work at the site and the air was safe to breathe. They were told this by Federal officials, that the air is fine, come down and help. They never questioned their own safety when they ran in to help others, because they put others in need ahead of themselves. And do you know what? The statements that were given about the air being safe to breathe were false. Many became sick, and the illnesses from exposure to the toxins have developed to become severe and debilitating, and for some deadly, and these heroes deserve more.

The past 9 years have not been kind to so many of the first responders who put themselves in harm's way and the residents of the surrounding neighborhoods. It is estimated that up to 400,000 people in the World Trade Center area on 9/11 were exposed to extreme toxic environmental hazards, including asbestos, particulate matter, and smoke, and the illnesses that those exposed to the toxins developed are severe, debilitating, and, for many families, simply devastating.

Many people think that H.R. 847 is a special benefit for New York. No, it isn't. The benefit is, with these people, you get sick, you get sicker, and you die. That is not a benefit. Every single congressional district, save three or four, has constituents who were exposed to the fateful day.

So I call on my colleagues on both sides of the aisle to vote yes on this rule so we can proceed with an honest debate on H.R. 847. The American public is fed up with the bickering and the fighting. This is something we can and should all come together for.

So I urge my colleagues, please, don't vote against this rule and don't vote down the bill because of any kind of politics. Let's honor the sacrifice that so many of our constituents made on that fateful day.

The pay-fors are fine for me. If others feel the pay-fors are not proper and want to change them, I am not particularly bothered by that. I think we need to all put our heads together and pass this bill, whatever the pay-fors are. The important thing is to pass this bill and help these people.

New York was attacked because it is a symbol of this country. It wasn't attacked because it is New York. It is New York, but New York is a symbol of the United States.

So let's work together in a show of unity. I have talked to a number of my colleagues on both sides of the aisle. We all want to get this done with. Let's get it done with. Vote ''yes'' on the previous question, vote ''yes'' on the rule, and vote ''yes'' on the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my friend, the great leader from New York (Mr. KING).

Mr. KING of New York. I thank my friend from Florida for yielding.

Let me at the outset thank the leadership in both parties for allowing this bill to come to the House floor. Whatever differences we have, I am sure today they will be resolved in a way that is fitting the Congress of the United States.

This is a real issue. Those of us who live in New York—and, as my friend Congressman ENGEL said, this is not a New York issue per se because it affects 431 districts across the country, but those of us who live in New York, we see the reality of this every day when we see our neighbors, we see our constituents who are so severely afflicted by their work at Ground Zero.

Many of these illnesses did not occur until several years later. But of the glass that is in their lungs, the toxins that are in their blood, all of that is now coming forward, and you see people in the prime of life, 40, 50 years old, people who would run marathons, people who were in the peak of shape, dying slowly in front of us. So this is a real issue.

I understand the points the gentleman made as far as procedure, as far as funding. Quite frankly, I would agree with him on that. But when we look at the overall bill, when we look at the good that would come from this, we really shouldn't allow the firefighters, the police officers, the construction workers, the EMS workers to have to wait longer to get the treatment and the care that they deserve while we try to resolve our internal differences.

We cannot allow the perfect to be the enemy of the good. And this is a good bill. On balance it is a very good bill, but for those who are suffering, it is absolutely essential that this bill pass.

So, I want to again thank the Democratic leadership and the Republican leadership. It is being brought up today. Again, we can have differences about how it is being brought up, or when it should have been brought up, or how it should have been paid for, but the bottom line is we are talking about life and death.

We are talking about the life and death of men and women who put their lives on the line without asking any questions at all. They just went to Ground Zero, and they worked from September 11 for the next 6, 7, 8 months, day in and day out, and they put their lives at risk. And many of them, because of that, are now suffering the horrible, unspeakable consequences of the illnesses they incurred from that day.

With that, I just ask for the passage of the underlying bill.

□ 1100

Mr. ARCURI. I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. More than 70,000 Americans from every State, including more than 1,100 from my district, descended upon Ground Zero to recover and rebuild after 9/11. They ran into burning buildings. They rescued trapped workers. They sorted through destruction. I know. We were there.

Just as we provide medical care for our troops, we must care for the 13,000 who are now sick as a result of their heroic actions in a toxic environment. They disregarded their personal safety for our country. We must pass the bipartisan bill before us today. Nearly all of us represent a responder, no matter where in the United States we're from, and 9 years later we have a responsibility to do what is right.

Vote for the rule and vote for the bipartisan bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my friend from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this week's YouCut winner.

Mr. Speaker, how long are the American people supposed to wait before this Congress will take action that will positively change the economic prosperity for our citizens? Our country cannot simply continue down its current path of fiscal recklessness.

The most recent Congressional Oversight Panel report found that the Troubled Asset Relief Program, the TARP bailout program, has not been effective in meeting its statutory obligations. Last year, I offered legislation that would have repealed the Secretary of the Treasury's ability to extend the TARP bailout program. It would have saved taxpayers hundreds of billions of dollars at that time. I thought, as did many of my colleagues, that there was no reason to continue throwing good many after bad in a program that wasn't working. Unfortunately, and nonetheless, Congress failed to act and the administration extended the TARP program for another 10 months.

As of this month, $80 billion in funds have yet to be dispersed. By voting against the previous question today and for this week's YouCut winner, tens of billions of dollars that are now going to programs that do not work, including more taxpayer money for AIG, can be stopped. People are absolutely tired of Washington's bailouts.

Mr. Speaker, some will say that the TARP program will end in just a few

days. But what you will not hear is that the Congressional Budget Office will certainly say and has said that they now estimate that the Federal Government will spend between $4 billion and $7 billion next year and the year after that and the year after that and the year after that. So, sadly, taxpayers will be stuck with that tab. So when will the bailout stop? We can and we must do better. Americans deserve better.

I urge Members to end the TARP program once and for all.

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

Mr. LINCOLN DIAZ-BALART of Florida. It is my pleasure, Mr. Speaker, to yield 1 minute to the distinguished gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. I rise to express my strong support for today's YouCut proposal offered by my friend and colleague from Minnesota, Congressman ERIK PAULSEN.

As freshmen members of the Financial Services Committee, Mr. PAULSEN and I have been vigorous in our efforts to bring the TARP program to a close and to ensure that any remaining funds be used for deficit reduction and not for new government spending.

The TARP law was meant to provide a one-time infusion of funds to help stabilize a financial system on the brink of failure. Yet some in Washington see TARP as a slush fund for more spending. Acting to terminate TARP and TARP-related programs once and for all will protect taxpayers from future losses and provide certainty that the remaining funds will not be used for further Washington bailouts.

I urge my colleagues to join me in support of Mr. PAULSEN's fiscally responsible proposal.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank my colleague and good friend from New York for yielding me time on this very important rule, and I rise in support of this rule. As I have many times in my tenure as chairman, I note that I owe a great deal to my vice chairman and good friend, the gentleman from Florida, as well, Mr. HASTINGS, who unfortunately has another commitment and was unable to be here. But H.R. 2701 contains a lot that is the product of his work. And I'm thankful for his long-term support on this important aspect to our national security.

The authorities and institutions that govern the intelligence community are set by statute, but the threats that are posed by our adversaries continuously change. Regular updates to the law are necessary to ensure that the intelligence community has the tools that it needs to keep us safe. This bill includes nearly 6 years' worth of these statutory improvements. The bill reasserts Congress' role in conducting oversight of intelligence activities. And, most importantly, the bill fundamentally reforms the process for briefing Congress on certain sensitive covert operations.

The bill also includes a compromise on GAO, which directs that the DNI come up with directives governing GAO access to the intelligence community. The bill also creates a new Inspector General for the intelligence community with the authority to root out waste, fraud, and abuse across the community and also assess the information sharing in that community. The bill includes language to bring intelligence community acquisition procedures closer in line with those of DOD acquisition reforms, including a provision that was modeled on the Nunn-McCurdy Act.

I would also like to make an additional point about process. This is admittedly an unusual time to consider an authorization bill. The fiscal year is almost over and all relevant appropriations bills have already been enacted.

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

Mr. ARCURI. I yield the gentleman 1 additional minute.

Mr. REYES. I thank the gentleman for yielding.

To avoid significant complications regarding the use of appropriated funds, the bill does not include a classified annex or schedule of authorizations. But the legislative provisions in the bill, including those that I have just delineated, would make changes to permanent law and live well beyond this fiscal year. Moreover, I would like to emphasize that we sought a negotiation process that was as open as possible. The staffs of the House and Senate Intelligence Committees had dozens of meetings and countless hours in which both parties from both Chambers were represented.

Like any important piece of legislation, H.R. 2701 includes some difficult compromises. Not every Republican provision or Democratic provision was included in the final version. Then, again, that's the process of compromise in the legislative process. The final bill incorporates a number of Republican ideas, including a floor amendment by Mr. HOEKSTRA requiring disclosure of a report regarding the shoot-down of a plane in Peru; an amendment by Mr. ROGERS dealing with FBI jurisdiction overseas; and a provision by Mr. CONAWAY to ensure auditability of elements of the intelligence community.

At the end of the day, this is a bipartisan product, and I urge adoption of the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise today to speak in favor of today's YouCut proposal to fulfill a promise made to the American people. TARP must end. Since January 2009, many of us in this body have voted to end TARP and the continued abuse of taxpayer dollars. Congress created the emergency Troubled Asset Relief Program, or TARP, as a temporary stopgap against an imminent financial collapse. Ronald Reagan once said that ''no government ever voluntarily reduces itself in size. Government programs, once launched, never disappear. Actually, a government bureau is the nearest thing to eternal life we'll ever see on this Earth.''

The emergency has ended. It is time to terminate TARP and return the money to taxpayers, as promised. Instead, the administration has continued to hand out billions of dollars to irresponsible actors on Wall Street. It has used the money as a slush fund, created new Federal programs, and paid for $19 million in new spending in the Dodd-Frank bill.

□ 1110

In August, the Congressional Budget Office estimated that TARP will cost taxpayers an additional $4 billion to $7 billion per year over the next 3 years, and let's not forget that the Dodd-Frank Act makes taxpayer-backed bailouts permanent.

Our country can't afford this kind of excessive spending and permanent government intrusion into the private marketplace. American taxpayers—our constituents, families and small businesses—are demanding tax relief, not more spending and bailouts. Congress must listen to the American people.

This week, Americans voted overwhelmingly through the YouCut initiative for this House to end TARP bailouts. We need to stop the hemorrhaging, end the bailouts and return the TARP funds to the American taxpayers.

I urge my colleagues to vote against the previous question. In doing so, support today's YouCut initiative, and protect taxpayers from more bailouts that we cannot afford in this economy.

Mr. ARCURI. I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished manager of this bill.

Mr. Speaker, people are in need in America, and I support the rule and the underlying bills in intelligence, currency and, certainly, the legislation of H.R. 847, the James Zadroga 9/11 health bill.

How long do those first responders have to wait?

We have been on this floor before where we have embarrassed ourselves. These individuals who have lived—and some who have died—were the first on line during the tragedy of 9/11. However, they were not captured in the relief and recovery. Many of them have suffered with respiratory diseases, and their families have suffered. Some have already lost their lives. It is crucial that we pass this bill.

Similarly, I am hoping that we will have come to the floor legislation that will help my constituents in Houston,

Texas, and Texas in the relief of Hurricane Ike, where we are trying to extend the Health and Human Services block grant dollars for the thousands of Hurricane Ike victims who have not been helped. Here, too, we need to help those individuals who are now trying to be processed because Federal Government dollars came late and came late to Catholic Charities and to other nonprofits which are trying to work. We are waiting on the legislation in the Senate. We hope that we will be able to move this. Otherwise, we hope that there will be some action by the administration.

We can't act on H.R. 847 by any other means than to pass this legislation today. So my message is that we must pass this rule because people are in need. They ask this Congress: When are you going to stand for the people, stand for the victims of Hurricane Ike and stand for the first responders of 9/11?

I ask my colleagues to support the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I rise today with a little bit of hope that we may have a great awakening in this body of what has been an assault on the manufacturing community of this great country.

We have lost over 2 million manufacturing jobs in the last 2 years. Chinese currency manipulation is directly responsible for a quarter of those job losses. According to the Economic Policy Institute, China's currency policy has destroyed almost 5,000 jobs just in my district alone. Part of the 68,000 jobs, China has destroyed in Michigan. It is part of a larger pattern.

There are 25,000 auto manufacturing jobs which have been lost in Detroit because of Chinese theft of intellectual property. The currency manipulation bill before you has been a long effort, an effort to understand that, when they cheat in the market, they steal American jobs. We welcome their rise in the economy. We hope that we can sell them cars and goods, but we can no longer stand by and let the Chinese Government and other governments manipulate their currencies and do other things that give them unfair competitive advantages against American workers. Given the chance to compete, we will absolutely win that fight. They know it. That's why they cheat to steal our jobs.

You know, around this body, unfortunately, we have spent a lot of time trying to figure out how to hate success—with taxation to our companies and heavy regulation, which will add huge, unknown quantities into this economy, and with a health care bill that absolutely destroys innovation and that absolutely raises the costs of a small business owner in this country.

The cap-and-trade bill that will add so much uncertainty, one of the highest energy tax increases in the history of this country, looms over the business community—with tax increases set to take effect December 31 of this year. If you hire somebody in December of this year at about $40,000, the employer has to generate about $55,000 of income just to pay for that one employee. You know what? In January of next year, we have no idea what those costs are going to be. That's why businesses aren't hiring.

So this step, this recognition, is to say that we have got to stop borrowing money from the Chinese so that we can impact our ability to help stop this currency manipulation that we know creates an unfair competitive advantage for U.S. manufacturers.

I hope, again, that this is this first small step in the recognition that it is not about big programs here and about lots more spending and lots more borrowing and lots more regulation that is going to make America prosperous. It is about getting the playing field equal, and it is about getting out of the way of our businesses and manufacturers around this great country, and it is about letting them do what they do best—innovate, hire people, create wealth, create prosperity. We have to stop hating success in this country because, if we continue it, you will start to hate America.

Mr. ARCURI. Mr. Speaker, may I inquire as to the amount of time I have remaining?

The SPEAKER pro tempore. The gentleman from New York has 16 minutes remaining.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SERRANO).

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

Mr. SERRANO. I thank the gentleman for the time.

I congratulate the leadership of the House and the members of the New York delegation for bringing the 9/11 bill to the floor. I especially want to thank Mrs. MALONEY, Mr. NADLER and Mr. KING, who in a bipartisan fashion have put together this bill.

Mr. Speaker, this bill is long overdue. This bill simply says that we recognize the health needs of the people who volunteered on that day, who volunteered to go for a long period of time and who were told by the Federal Government that the air and the conditions in that area were safe. These folks are now suffering from very difficult and complex illnesses that very few doctors and hospitals understand. Only certain specialized care facilities can manage their health problems.

As I said before, the bill has a bipartisan approach, and that's something we don't always see around here, but we see it on this bill because of the importance and of the need to do something and to do it now.

It has been a long time since 9/11. Yet we have spent a lot of money, as we perhaps should have, on the war on terrorism—that is correct—but there is another war. It is a war to bring good health care to those who volunteered and to those who were contracted to do this work.

So, today, I join the New York delegation, and I join all Members of Congress in a bipartisan fashion to say that this bill was long overdue and that we should approve this bill today without any stumbling blocks. We should just simply come together as Members of Congress, come together as two parties, come together as Americans to say thank you and to say the least we can do is to provide this health care for you in a very thankful way.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 2 minutes to the distinguished Republican whip, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Florida.

Mr. Speaker, I rise in opposition to the way this bill has come forward and to the rule upon which we are voting.

As our surging debt rises to unsustainable levels, the majority's desire to spend and spend shows no signs of abating, but now the American people are speaking up and are saying that enough is enough.

Through the YouCut program, the American people have found a vehicle to actively shape how their government spends public dollars. YouCut voters have helped House Republicans offer more than $120 billion in spending cuts—money that would go straight back to the taxpayers if not for the majority's refusal to bring even one single reduction of spending before the House for a vote.

This week's winning item is a proposal by the gentleman from Minnesota, Representative ERIK PAULSEN, to finally bring closure to the TARP program and to put those moneys towards retiring the national debt. The plan would wall off TARP as a source of funding for any further bailouts, saving the taxpayers several billions of dollars. It would reduce moral hazard across numerous industries and government programs while signaling that the days of bailing out irresponsible decisionmakers are over.

□ 1120

Under Speaker PELOSI and President Obama, the size and scope of government have ballooned while the private sector workforce has shrunk. Mr. Speaker, the answer to our economy's ills does not rest in more spending, taxation, and government regulation. It rests in private sector growth, entrepreneurship, and innovation, spurred by lower taxes and economic freedom. That's why, Mr. Speaker, we must move forcefully to trim spending and focus like a laser on fostering an economic atmosphere conducive to investment, innovation, and job creation.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY), the sponsor of the 9/11 bill.

Mrs. MALONEY. I thank my colleague from the great State of New York for his leadership on this bill and his outstanding leadership in so many other ways and in so many other areas to help our great State.

I strongly support and rise in support of the rule. The time is now to pass the James Zadroga 9/11 Health and Compensation Act, legislation that is overwhelmingly supported by Americans across our country.

This is not a New York issue. Our Nation was attacked, and those who are suffering come from all 50 States. In 428 of the 435 congressional districts nationwide, nearly every Member of Congress has constituents who lost their health because of the attacks. For these Americans, the 9/11 attacks are not history but are an ongoing nightmare that is slowly robbing them of their health, their strength, their livelihood, and, in worst cases, their lives.

The attacks caused all kinds of terrible health problems that are unique to 9/11. 9/11 responders have received a lot of awards and praise, but what they tell me is what they really need is their health care. And this bill provides health care to all who need it—monitoring for those who were exposed to the deadly toxins, and assistance for the survivors of the attacks.

It will also open the Federal Victims Compensation Fund. It is fully paid for. After Pearl Harbor, Congress passed health care and financial relief for civilians and the responders who helped salvage our Pacific Fleet. It is time for Congress to do the same for 9/11 responders and survivors.

I thank the entire New York delegation, especially Congressmen KING and NADLER and their staffs who have worked almost every day for years with my staff, Ben Chevat and others, to bring this bill to the floor.

Our responders and our survivors were there for us. We need to be there for them. And in today's debate, I hope that all Members will put politics aside.

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

Mr. ARCURI. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Mrs. MALONEY. I thank the gentleman.

I am urging all Members in a bipartisan way on both sides of the aisle to put politics aside and to honor and respect the sacrifice made by so many Americans on 9/11.

I thank the leadership on both sides of the aisle, particularly Speaker PELOSI and Leader HOYER.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my friend from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I speak in favor of the Currency Reform for Fair Trade Act, H.R. 2378.

This day has been long in coming. In 2003, I was one of the first Members of Congress to introduce legislation to stop currency undervaluation, especially by China. There has been some modest progress taking place over the years, but the overall practice continues to the detriment of our manufacturers.

Counties in northern Illinois have a real unemployment rate of somewhere between 18 and 25 percent. We can't wait any longer for more promises to solve this problem in the future.

Just listen to one of my constituents, Jerry Busse from Rockford Toolcraft, who was quoted in the Rockford Register Star on August 30 of this year.

Mr. Busse: ''`We have done work for a big manufacturer in Chicago for 20 years. All of a sudden, we lost a lot of their business because they decided to move the work to China,' Busse said. He asked the Chicago company what he had to do to get the work back.

''`The prices they were getting from China were close to what we had been getting. I said, I think I can do the work for that amount,' Busse said. But the company refused.

''`Their management said anyone in America has to be 30 percent under the Chinese price. And I can't do that.'''

Well, that's about the extent of the valuation of the Chinese RMB.

I support the new version of the legislation to combat exchange rate undervaluation by China and other countries. We have to take a stand to stop China from making their imports cheaper in the U.S. and our exports more expensive going to China.

One study estimates that correction of all the Asian currency undervaluations would cut the global U.S. trade deficit by about $100 billion and generate at least 700,000 American jobs.

This legislation provides another weapon in our trade arsenal to empower trade enforcement officials to confront unfair trade practices by China and others. If you want to stop Chinese imports coming in at predatory prices and give our manufacturers and farmers the chance to fairly compete, then support the currency reform bill.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to my colleague and friend from New York, Representative WEINER.

Mr. WEINER. Within the next 30 minutes or so, about four, perhaps five, buses of people are going to arrive on the West front of the Capitol and walk in here and fill up these Chambers. These are people who, almost every single one of them, are to some degree a victim of September 11. They are people who aren't going to run very fast; although, they were, not so long ago, very healthy. These are people who, after September 11, not because it was their job, although some of them are professional firefighters and first responders, but because they are patriotic Americans, they went down to Ground Zero and, with their hands, literally, helped dig out our city and our country.

It was not just from New York. We all remember iconically that the days after September 11, if you stood on the West Side Highway of Manhattan and looked at the license plates of the fire trucks, of the cars, of the ambulances, they were from all around the country. Every single district—434, in fact, of the 435 districts have someone who has that 9/11 cough.

Nine years later, 900 Americans have died from 9/11-related illnesses. Now, they're going to come here and they're going to fill up these galleries, and they don't know a motion to recommit from a suspension. They don't know what the rule is. They don't know what the number is. All that they know is that, by degrees, every single day they're dying. They're dying from diseases they didn't have. These are some of the most vigorous people you can imagine. The fact that they're coming here—you are going to see people in wheelchairs who, on that day, were healthy and vigorous. James Zadroga, for whom the bill is named, one of the fittest guys you can imagine, dead today because of 9/11-related illnesses.

My colleagues on both sides of the aisle, this is a fierce political time of year. No one's more political than I, and no one's more partisan than I. I am proud to be a Democrat. I'm going to fight very hard to win my election. I'm going to fight very hard to make sure you guys lose yours. But if there's one day of the year, if there's one item on the calendar where people like me and PETER KING are working shoulder to shoulder where we're trying to figure out a way to do the right thing and put aside politics, this should be the day.

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

Mr. ARCURI. I yield the gentleman 1 additional minute.

Mr. WEINER. This is the day that we can stand up and say, You know what? If you really believe philosophically we shouldn't take care of these people, vote ''no.'' But let's try not to make mischief. Let's try to talk about this in a serious, adult way. And I'm convinced that we're going to do the right thing. If this is the last thing we do in this Congress, let's, in a bipartisan way, go home to our constituents to say to those people in the galleries, We understand, and we get it.

They are the first casualties of the war in Afghanistan, and the amount of money that we're going to spend would not support the war in Afghanistan more than 11 days. These people have been waiting 9 years. Let's not have any more people die because of the attacks of September 11.

Let's pass the September 11 Act that was sponsored by PETER KING and CAROLYN MALONEY and JERROLD NADLER. This is something that affects every single district in this country. Let us do the right thing. And if you believe the right thing is to take care of these people, please vote ''yes'' on the rule. Please vote ''yes'' on the bill. Please vote ''no'' on any troublesome amendments to the bill that come up later.

□ 1130

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to the great young leader from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, today I am here to support the YouCut proposal on the floor that would end the bailouts permanently, the Troubled Asset Relief Program, the so-called TARP program which we all know and dislike, and the bailouts. This is our opportunity to vote to cut billions of dollars worth of spending that Washington has propagated in the last few years. Namely, within this bill, within this vote is the Home Affordability Mortgage Program. It is a great idea. It is a fantastic idea to give mortgage relief to those who are trying to make ends meet and make their payments. Unfortunately, this program has been an abject failure. It has modified 230,000 mortgages but cost billions of dollars, far from its goal of 3 million mortgage modifications. So many of the folks who participate in this program are later rejected for permanent modifications. They end up 3 months behind in their mortgage or more, hit with penalties and late fees, show delinquency on their credit report, and, at the same time, end up worse off than if the program had never existed. President Obama's proposal here is absolutely the wrong approach, and moreover, it's just another symptom of the bailout culture of Washington, D.C. So vote to cut spending.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS), my colleague from the Rules Committee.

Mr. HASTINGS of Florida. I thank my colleague on the Rules Committee, my good friend Mr. ARCURI.

Mr. Speaker, as vice chairman of the House Permanent Select Committee on Intelligence, I know that the intelligence community is the first line of defense against terrorists, proliferators of weapons of mass destruction, and other rogue elements who wish to do us harm here at home and across the globe. This legislation, for the first time since 2004, is an opportunity for the Congress to guide the 16 agencies of the intelligence community while making significant strides in improving oversight of the intelligence community.

I have had the honor and privilege of meeting many of our intelligence professionals during my oversight travel as a member of the Intelligence Committee. I cannot overstate how much I appreciate and am humbled by their service.

The past year has been a busy one for the intelligence community. There have been some very low points, including the loss of seven brave Americans in an attack on the CIA in Afghanistan and the attack on Northwest Airlines flight 253. At the same time, there have been some high points, like the roll-up of the Russian illegal intelligence operation and the significant intelligence gained by the FBI and DOJ in several counterterrorism cases. But the danger is as high as it ever was. Our enemies are motivated to strike us, as they always have been. The constant threat from violent extremists reinforces that now more than ever. We must give the intelligence community the resources and flexibility it needs to thwart the continuing and emerging threats to U.S. national security.

Since 2004, this country has gone without an intelligence authorization bill. Each year the House Intelligence Committee has passed a bill, but we have not seen one signed into law in recent years. The intelligence community needs strong and independent oversight. This bill would make great strides in that direction. First, it would create a statutory Inspector General for the entire intelligence community. This bill also contains a new provision that I believe the chairman talked about in reforming the ''Gang of Eight'' process. I believe that the administration has a statutory and constitutional duty to keep members of the entire intelligence community fully informed, and this bill, for the first time, requires all members of the intelligence community to get information about all covert actions.

The bill also traces the challenges of GAO access to the intelligence community, a priority subject for many of my colleagues on both sides of the aisle. It directs the DNI, in conjunction with the Comptroller General, to issue a written directive governing GAO access to information in possession of the intelligence community.

In my tenure, Mr. Speaker, on the committee, I have consistently pushed for greater diversity in the intelligence community. I have stated time and again that the intelligence community is not diverse enough to do its job of stealing and analyzing foreign countries' secrets.

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

Mr. ARCURI. I yield the gentleman 1 additional minute.

Mr. HASTINGS of Florida. We need people who blend in, people who look like America. And that includes every aspect, from Arab to Asian to Latin to African American, women, the whole nine yards.

Mr. Speaker, I plead that after several years, we finally stand on the verge of enactment of an intelligence authorization act. I believe it's good for the Congress and for the intelligence community and for the American people.

Mr. Speaker, I want to take this moment to personally thank Chairman Silvestre Reyes and the HPSCI staff for their hard work and dedication in helping to see this excellent bill to fruition. And this will be my last time speaking on a rule in the Intelligence Committee for the reason that now, after 10 years, I will no longer serve on that committee. It has been a humbling experience, and I am delighted and privileged that I have been given that opportunity in this great country of ours.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my privilege to yield 3 minutes to my friend from Indiana (Mr. PENCE).

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

Mr. PENCE. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the rule, not just for what's in it but for what's not in it. This rule will allow a vote on three separate pieces of legislation, none of which will allow the Republicans and Democrats in Congress, who support extending all current tax relief, to have an up-or-down vote before we adjourn for this campaign season.

The truth is, what's happening in Washington, D.C., this week is just unconscionable. Democrats are putting their politics over your prosperity. The economic policies of this administration have failed. Fifteen million Americans are unemployed, millions more have given up even looking for work. But now Speaker PELOSI and the Democrat majority want to impose one of the largest tax increases in our country's history on job creators in less than 100 days, and they won't even allow a vote on the floor to extend all tax relief.

Mr. Speaker, raising taxes on job creators won't create jobs. The Democrats are poised to embrace one of the largest tax increases in history in one of the worst economies in my lifetime, and it must not stand. The American people deserve to know. Washington Democrats are putting saving their jobs ahead of saving yours. Mr. Speaker, higher taxes won't get anybody hired. Congress must not vote to adjourn. We must not leave this Chamber before we permit a fair and open up-or-down vote to prevent higher taxes on any American in January of next year. House Republicans say, No extension of all tax relief for every American? No adjournment.

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield myself such time as I may consume.

Mr. Speaker, on the heels of consideration of legislation last week that I referred to as ''Junior TARP,'' where the majority added another $30 billion to the Nation's debt, I think it seems fitting that we, Republicans, are bringing forward another YouCut proposal, voted on and recommended to this House by the American people. The people really are sounding an alarm, and we have to change course. We must focus on reducing the size of government and not continuing programs that dig our fiscal hole deeper and deeper, and this process is going to require bipartisanship. Certainly I hope

that the Nation can witness bipartisanship soon, but we're not seeing it yet, and that's worrisome.

□ 1140

Over the last week, participants in Republican Whip Cantor's YouCut initiative voted on programs for us to bring to this floor for cutting spending. To date, participants in that program have voted to cut over $150 billion in spending. This week, the participants in that program voted to end the TARP program.

I was surprised to learn that TARP is still scheduled to spend billions of dollars in the next years. We must take action to end TARP now.

I will be asking Members to vote ''no'' on the previous question so that we can have a vote on Congressman PAULSEN's bill on ending TARP. I would like to remind the membership that a ''no'' vote on the previous question will not preclude consideration on the underlying legislation before us today.

Let me take a minute, at this point, if I may, Mr. Speaker, to a point of personal privilege. This may be the last rule that I come to the floor to debate because, in January, as you know, I will be leaving Congress. And it has been an extraordinary honor to be a Member of the United States Congress for 18 years, to represent an honorable and hardworking constituency.

I will leave Congress in January with a sense of duty fulfilled, Mr. Speaker, with infinite love and admiration for the most generous and noble Nation in history, the United States of America, and with profound gratitude to my wonderful staff for their hard work and their loyalty in representing our constituents and the Nation, and of gratitude to all of my colleagues for the honor of having been able to serve with them.

At this point, I reserve the balance of my time, as I ask my friend Mr. ARCURI if he has any other speakers.

Mr. ARCURI. I have no additional speakers, and I am ready to close.

MOTION TO ADJOURN

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 2, nays 409, answered ''present'' 1, not voting 20, as follows:

[Roll No. 545]

YEAS—2

Rangel
Young (AK)

NAYS—409

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
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
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
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
Oberstar
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
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
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth

ANSWERED ''PRESENT''—1

Cleaver

NOT VOTING—20

Alexander
Bishop (UT)
Blunt
Butterfield
Culberson
Engel
Fallin
Forbes
Griffith
Grijalva
Holden
Markey (MA)
Nye
Obey
Rahall
Sánchez, Linda T.
Scott (VA)
Taylor
Wittman
Young (FL)

□ 1214

Ms. SUTTON, Ms. LORETTA SANCHEZ of California, Messrs. HILL, CHAFFETZ, ETHERIDGE, ELLSWORTH, and FARR, Ms. CORRINE BROWN of Florida, Messrs. TIAHRT, BRADY of Pennsylvania, and TONKO, Mrs. KIRKPATRICK of Arizona, Messrs. WILSON of Ohio, BERMAN, GORDON of Tennessee, and SCHRADER, Mrs. NAPOLITANO, Messrs. SCOTT of Georgia and WELCH, Ms. SCHWARTZ, Ms. RICHARDSON, Messrs. GEORGE MILLER of California, COHEN, and FILNER changed their vote from ''yea'' to ''nay.''

So the motion was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 847, JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010; PROVIDING FOR CONSIDERATION OF H.R. 2378, CURRENCY REFORM FOR FAIR TRADE ACT; AND PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. The gentleman from Florida has 7 minutes remaining. The gentleman from New York has 4½ minutes remaining.

The Chair recognizes the gentleman from New York.

Mr. ARCURI. Mr. Speaker, I am prepared to close, and I would reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the balance of my time to the distinguished Republican leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker and my colleagues, in a few minutes we're going to have a series of votes. One of those votes is going to be on the adjournment resolution that will allow the House to adjourn sometime over the next few days until November 15. The American people are asking the question, Where are the jobs? And this Congress has an obligation to help get our economy moving again and get the American people back to work. We've had time all year to move a lot of job-killing policies; yet we've had no time to do a budget, no time to move any appropriation bills, which means no opportunity to cut spending.

Earlier this year 100 economists, 100 economists, sent a letter to the President saying, Mr. President, if you cut spending now, it will help our economy. But I do believe that we have an obligation to help end the uncertainty that is affecting American families and small businesses all across the country. We ought to be cutting spending, and, yes, we ought to end the uncertainty about what the tax rates are going to be at the beginning of the year.

The idea that we're going to leave here and not extend all of the current tax rates to end the uncertainty is an irresponsibility on the part of this Congress. And how any Member can vote to adjourn and pump this into a lame-duck session, I think, is putting your election above the needs of your constituents. The American people sent us here to do their work. We're not here to do our work to get reelected.

I am going to ask all of my colleagues, vote ''no'' on this adjournment resolution. Give the House an opportunity in a fair and open debate to extend all of the current tax rates.

Mr. ARCURI. Mr. Speaker, I yield myself the balance of my time.

I would like to begin by thanking my friend and colleague, Mr. Diaz-Balart, for his able management of this rule and also to wish him well. This will be the last time that we will be managing a rule together, and I would like to wish him well in the future.

I would like to thank my friends from the other side of the aisle for their impassioned remarks during our debate. But when all is said and done, this rule is about three things, and three things only.

□ 1220

It's about security. It's about the intelligence reauthorization bill of 2010. It's about the economy and the currency manipulation bill. Most of all, it's about doing the right thing. It's about the 9/11 bill and doing the right thing for the people who have been injured.

Mr. Speaker, for these reasons, I urge my colleagues to support the rule and to allow us to do just that.

The material previously referred to by Mr. LINCOLN-DIAZ BALART of Florida is as follows:

AMENDMENT TO H. RES. 1674 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution add the following new section:

SEC. 4. Immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6225) to amend the Emergency Economic Stabilization Act of 2008 to terminate authority under the Troubled Asset Relief Program. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 6225.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. DREIER. 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, further proceedings on this question will be postponed.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. ARCURI. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 321

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Wednesday, September 29, 2010, through Friday, October 8, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 15, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Wednesday, September 29, 2010, through Friday, November 12, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 15, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

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

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

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Concurrent Resolution 321 will be followed by 5-minute votes on ordering the previous question on House Resolution 1674, and adopting House Resolution 1674, if ordered.

The vote was taken by electronic device, and there were—yeas 210, nays 209, not voting 14, as follows:

[Roll No. 546]

YEAS—210

Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Doggett
Doyle
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—209

Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—14

Aderholt
Blunt
Boyd
Butterfield
Buyer
Diaz-Balart, L.
Dingell
Fallin
Griffith
Kennedy
Maffei
Rahall
Schock
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1247

Messrs. MCNERNEY, ALTMIRE and TAYLOR changed their vote from ''yea'' to ''nay.''

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 847, JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010; PROVIDING FOR CONSIDERATION OF H.R. 2378, CURRENCY REFORM FOR FAIR TRADE ACT; AND PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1674, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 183, not voting 14, as follows:

[Roll No. 547]

YEAS—235

Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan

Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmuter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—183

Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—14

Aderholt
Blunt
Boyd
Butterfield
Buyer
Diaz-Balart, L.
Fallin
Gordon (TN)
Griffith
McCollum
McNerney
Rahall
Shuler
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SALAZAR) (during the vote). There are 2 minutes remaining in this vote.

□ 1257

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 183, not voting 15, as follows:

[Roll No. 548]

YEAS—234

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

NAYS—183

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Hunter

Mitchell	Roe (TN)	Smith (NE)
Moran (KS)	Rogers (AL)	Smith (NJ)
Murphy, Tim	Rogers (KY)	Smith (TX)
Myrick	Rogers (MI)	Stearns
Neugebauer	Rohrabacher	Sullivan
Nunes	Rooney	Terry
Olson	Ros-Lehtinen	Thompson (PA)
Paul	Roskam	Thornberry
Paulsen	Royce	Tiahrt
Pence	Ryan (WI)	Tiberi
Petri	Scalise	Turner
Pitts	Schmidt	Upton
Platts	Schock	Walden
Poe (TX)	Sensenbrenner	Wamp
Posey	Sessions	Westmoreland
Price (GA)	Shadegg	Whitfield
Putnam	Shimkus	Wilson (SC)
Radanovich	Shuler	Wittman
Rehberg	Shuster	Wolf
Reichert	Simpson	Young (AK)

NOT VOTING—15

Blunt	Granger	Moran (VA)
Boyd	Griffith	Owens
Buyer	Honda	Rahall
Diaz-Balart, L.	Kind	Sutton
Fallin	Kirk	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

□ 1306

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO SECRETARY OF HEALTH AND HUMAN SERVICES

Mr. WAXMAN, from the Committee on Energy and Commerce, submitted a privileged report (Rept. No. 111–649) on the resolution (H. Res. 1561) directing the Secretary of Health and Human Services to transmit to the House of Representatives copies of each portion of any document, record, or communication in her possession consisting of or relating to documents prepared by or for the Centers for Medicare & Medicaid Services regarding the Patient Protection and Affordable Care Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010

Mr. NADLER. Mr. Speaker, pursuant to House Resolution 1674, I call up the bill (H.R. 847) to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1674, in lieu of the amendments recommended by the Committee on Energy and Commerce and the Committee on the Judiciary now printed in the bill, the amendment in the nature of a substitute printed in House Report 111–648 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 847

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 ''James Zadroga 9/11 Health and Compensation Act of 2010''.

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

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

SEC. 101. WORLD TRADE CENTER HEALTH PROGRAM.

The Public Health Service Act is amended by adding at the end the following new title:

''TITLE XXXIII—WORLD TRADE CENTER HEALTH PROGRAM

''Subtitle A—Establishment of Program; Advisory Committee

''SEC. 3301. ESTABLISHMENT OF WORLD TRADE CENTER HEALTH PROGRAM.

''(a) IN GENERAL.—There is hereby established within the Department of Health and Human Services a program to be known as the World Trade Center Health Program, which shall be administered by the WTC Program Administrator, to provide beginning on July 1, 2011—

''(1) medical monitoring and treatment benefits to eligible emergency responders and recovery and cleanup workers (including those who are Federal employees) who responded to the September 11, 2001, terrorist attacks; and

''(2) initial health evaluation, monitoring, and treatment benefits to residents and other building occupants and area workers in New York City who were directly impacted and adversely affected by such attacks.

''(b) COMPONENTS OF PROGRAM.—The WTC Program includes the following components:

''(1) MEDICAL MONITORING FOR RESPONDERS.—Medical monitoring under section 3311, including clinical examinations and long-term health monitoring and analysis for enrolled WTC responders who were likely to have been exposed to airborne toxins that were released, or to other hazards, as a result of the September 11, 2001, terrorist attacks.

''(2) INITIAL HEALTH EVALUATION FOR SURVIVORS.—An initial health evaluation under section 3321, including an evaluation to determine eligibility for followup monitoring and treatment.

''(3) FOLLOWUP MONITORING AND TREATMENT FOR WTC-RELATED HEALTH CONDITIONS FOR RESPONDERS AND SURVIVORS.—Provision under sections 3312, 3322, and 3323 of followup monitoring and treatment and payment, subject to the provisions of subsection (d), for all medically necessary health and mental health care expenses of an individual with respect to a WTC-related health condition (including necessary prescription drugs).

''(4) OUTREACH.—Establishment under section 3303 of an education and outreach program to potentially eligible individuals concerning the benefits under this title.

''(5) CLINICAL DATA COLLECTION AND ANALYSIS.—Collection and analysis under section 3304 of health and mental health data relating to individuals receiving monitoring or treatment benefits in a uniform manner in collaboration with the collection of epidemiological data under section 3342.

''(6) RESEARCH ON HEALTH CONDITIONS.—Establishment under subtitle C of a research program on health conditions resulting from the September 11, 2001, terrorist attacks.

''(c) NO COST SHARING.—Monitoring and treatment benefits and initial health evaluation benefits are provided under subtitle B without any deductibles, copayments, or other cost sharing to an enrolled WTC responder or certified-eligible WTC survivor.

Initial health evaluation benefits are provided under subtitle B without any deductibles, copayments, or other cost sharing to a screening-eligible WTC survivor.

''(d) PREVENTING FRAUD AND UNREASONABLE ADMINISTRATIVE COSTS.—

''(1) FRAUD.—The Inspector General of the Department of Health and Human Services shall develop and implement a program to review the WTC Program's health care expenditures to detect fraudulent or duplicate billing and payment for inappropriate services. This title is a Federal health care program (as defined in section 1128B(f) of the Social Security Act) and is a health plan (as defined in section 1128C(c) of such Act) for purposes of applying sections 1128 through 1128E of such Act.

''(2) UNREASONABLE ADMINISTRATIVE COSTS.—The Inspector General of the Department of Health and Human Services shall develop and implement a program to review the WTC Program for unreasonable administrative costs, including with respect to infrastructure, administration, and claims processing.

''(e) QUALITY ASSURANCE.—The WTC Program Administrator working with the Clinical Centers of Excellence shall develop and implement a quality assurance program for the monitoring and treatment delivered by such Centers of Excellence and any other participating health care providers. Such program shall include—

''(1) adherence to monitoring and treatment protocols;

''(2) appropriate diagnostic and treatment referrals for participants;

''(3) prompt communication of test results to participants; and

''(4) such other elements as the Administrator specifies in consultation with the Clinical Centers of Excellence.

''(f) ANNUAL PROGRAM REPORT.—

''(1) IN GENERAL.—Not later than 6 months after the end of each fiscal year in which the WTC Program is in operation, the WTC Program Administrator shall submit an annual report to the Congress on the operations of this title for such fiscal year and for the entire period of operation of the program.

''(2) CONTENTS INCLUDED IN REPORT.—Each annual report under paragraph (1) shall include at least the following:

''(A) ELIGIBLE INDIVIDUALS.—Information for each clinical program described in paragraph (3)—

''(i) on the number of individuals who applied for certification under subtitle B and the number of such individuals who were so certified;

''(ii) of the individuals who were certified, on the number who received monitoring under the program and the number of such individuals who received medical treatment under the program;

''(iii) with respect to individuals so certified who received such treatment, on the WTC-related health conditions for which they were treated; and

''(iv) on the projected number of individuals who will be certified under subtitle B in the succeeding fiscal year and the succeeding 10-year period.

''(B) MONITORING, INITIAL HEALTH EVALUATION, AND TREATMENT COSTS.—For each clinical program so described—

''(i) information on the costs of monitoring and initial health evaluation and the costs of treatment and on the estimated costs of such monitoring, evaluation, and treatment in the succeeding fiscal year; and

''(ii) an estimate of the cost of medical treatment for WTC-related health conditions that have been paid for or reimbursed by workers' compensation, by public or private health plans, or by New York City under section 3331.

''(C) ADMINISTRATIVE COSTS.—Information on the cost of administering the program, including costs of program support, data collection and analysis, and research conducted under the program.

''(D) ADMINISTRATIVE EXPERIENCE.—Information on the administrative performance of the program, including—

''(i) the performance of the program in providing timely evaluation of and treatment to eligible individuals; and

''(ii) a list of the Clinical Centers of Excellence and other providers that are participating in the program.

''(E) SCIENTIFIC REPORTS.—A summary of the findings of any new scientific reports or studies on the health effects associated with exposure described in section 3306(1), including the findings of research conducted under section 3341(a).

''(F) ADVISORY COMMITTEE RECOMMENDATIONS.—A list of recommendations by the WTC Scientific/Technical Advisory Committee on additional WTC Program eligibility criteria and on additional WTC-related health conditions and the action of the WTC Program Administrator concerning each such recommendation.

''(3) SEPARATE CLINICAL PROGRAMS DESCRIBED.—In paragraph (2), each of the following shall be treated as a separate clinical program of the WTC Program:

''(A) FIREFIGHTERS AND RELATED PERSONNEL.—The benefits provided for enrolled WTC responders described in section 3311(a)(2)(A).

''(B) OTHER WTC RESPONDERS.—The benefits provided for enrolled WTC responders not described in subparagraph (A).

''(C) WTC SURVIVORS.—The benefits provided for screening-eligible WTC survivors and certified-eligible WTC survivors in section 3321(a).

''(g) NOTIFICATION TO CONGRESS UPON REACHING 80 PERCENT OF ELIGIBILITY NUMERICAL LIMITS.—The Secretary shall promptly notify the Congress of each of the following:

''(1) When the number of enrollments of WTC responders subject to the limit established under section 3311(a)(4) has reached 80 percent of such limit.

''(2) When the number of certifications for certified-eligible WTC survivors subject to the limit established under section 3321(a)(3) has reached 80 percent of such limit.

''(h) CONSULTATION.—The WTC Program Administrator shall engage in ongoing outreach and consultation with relevant stakeholders, including the WTC Health Program Steering Committees and the Advisory Committee under section 3302, regarding the implementation and improvement of programs under this title.

''SEC. 3302. WTC HEALTH PROGRAM SCIENTIFIC/TECHNICAL ADVISORY COMMITTEE; WTC HEALTH PROGRAM STEERING COMMITTEES.

''(a) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—The WTC Program Administrator shall establish an advisory committee to be known as the WTC Health Program Scientific/Technical Advisory Committee (in this subsection referred to as the 'Advisory Committee') to review scientific and medical evidence and to make recommendations to the Administrator on additional WTC Program eligibility criteria and on additional WTC-related health conditions.

''(2) COMPOSITION.—The WTC Program Administrator shall appoint the members of the Advisory Committee and shall include at least—

''(A) 4 occupational physicians, at least 2 of whom have experience treating WTC rescue and recovery workers;

''(B) 1 physician with expertise in pulmonary medicine;

''(C) 2 environmental medicine or environmental health specialists;

''(D) 2 representatives of WTC responders;

''(E) 2 representatives of certified-eligible WTC survivors;

''(F) an industrial hygienist;

''(G) a toxicologist;

''(H) an epidemiologist; and

''(I) a mental health professional.

''(3) MEETINGS.—The Advisory Committee shall meet at such frequency as may be required to carry out its duties.

''(4) REPORTS.—The WTC Program Administrator shall provide for publication of recommendations of the Advisory Committee on the public Web site established for the WTC Program.

''(5) DURATION.—Notwithstanding any other provision of law, the Advisory Committee shall continue in operation during the period in which the WTC Program is in operation.

''(6) APPLICATION OF FACA.—Except as otherwise specifically provided, the Advisory Committee shall be subject to the Federal Advisory Committee Act.

''(b) WTC HEALTH PROGRAM STEERING COMMITTEES.—

''(1) CONSULTATION.—The WTC Program Administrator shall consult with 2 steering committees (each in this section referred to as a 'Steering Committee') that are established as follows:

''(A) WTC RESPONDERS STEERING COMMITTEE.—One Steering Committee, to be known as the WTC Responders Steering Committee, for the purpose of receiving input from affected stakeholders and facilitating the coordination of monitoring and treatment programs for the enrolled WTC responders under part 1 of subtitle B.

''(B) WTC SURVIVORS STEERING COMMITTEE.—One Steering Committee, to be known as the WTC Survivors Steering Committee, for the purpose of receiving input from affected stakeholders and facilitating the coordination of initial health evaluations, monitoring, and treatment programs for screening-eligible and certified-eligible WTC survivors under part 2 of subtitle B.

''(2) MEMBERSHIP.—

''(A) WTC RESPONDERS STEERING COMMITTEE.—

''(i) REPRESENTATION.—The WTC Responders Steering Committee shall include—

''(I) representatives of the Centers of Excellence providing services to WTC responders;

''(II) representatives of labor organizations representing firefighters, police, other New York City employees, and recovery and cleanup workers who responded to the September 11, 2001, terrorist attacks; and

''(III) 3 representatives of New York City, 1 of whom will be selected by the police commissioner of New York City, 1 by the health commissioner of New York City, and 1 by the mayor of New York City.

''(ii) INITIAL MEMBERSHIP.—The WTC Responders Steering Committee shall initially be composed of members of the WTC Monitoring and Treatment Program Steering Committee (as in existence on the day before the date of the enactment of this title).

''(B) WTC SURVIVORS STEERING COMMITTEE.—

''(i) REPRESENTATION.—The WTC Survivors Steering Committee shall include representatives of—

''(I) the Centers of Excellence providing services to screening-eligible and certified-eligible WTC survivors;

''(II) the population of residents, students, and area and other workers affected by the September 11, 2001, terrorist attacks;

''(III) screening-eligible and certified-eligible survivors receiving initial health evaluations, monitoring, or treatment under part 2

of subtitle B and organizations advocating on their behalf; and

''(IV) New York City.

''(ii) INITIAL MEMBERSHIP.—The WTC Survivors Steering Committee shall initially be composed of members of the WTC Environmental Health Center Survivor Advisory Committee (as in existence on the day before the date of the enactment of this title).

''(C) ADDITIONAL APPOINTMENTS.—Each Steering Committee may recommend, if approved by a majority of voting members of the Committee, additional members to the Committee.

''(D) VACANCIES.—A vacancy in a Steering Committee shall be filled by an individual recommended by the Steering Committee.

''SEC. 3303. EDUCATION AND OUTREACH.

''The WTC Program Administrator shall institute a program that provides education and outreach on the existence and availability of services under the WTC Program. The outreach and education program—

''(1) shall include—

''(A) the establishment of a public Web site with information about the WTC Program;

''(B) meetings with potentially eligible populations;

''(C) development and dissemination of outreach materials informing people about the program; and

''(D) the establishment of phone information services; and

''(2) shall be conducted in a manner intended—

''(A) to reach all affected populations; and

''(B) to include materials for culturally and linguistically diverse populations.

''SEC. 3304. UNIFORM DATA COLLECTION AND ANALYSIS.

''(a) IN GENERAL.—The WTC Program Administrator shall provide for the uniform collection of data (and analysis of data and regular reports to the Administrator) on the prevalence of WTC-related health conditions and the identification of new WTC-related health conditions. Such data shall be collected for all individuals provided monitoring or treatment benefits under subtitle B and regardless of their place of residence or Clinical Center of Excellence through which the benefits are provided. The WTC Program Administrator shall provide, through the Data Centers or otherwise, for the integration of such data into the monitoring and treatment program activities under this title.

''(b) COORDINATING THROUGH CENTERS OF EXCELLENCE.—Each Clinical Center of Excellence shall collect data described in subsection (a) and report such data to the corresponding Data Center for analysis by such Data Center.

''(c) COLLABORATION WITH WTC HEALTH REGISTRY.—The WTC Program Administrator shall provide for collaboration between the Data Centers and the World Trade Center Health Registry described in section 3342.

''(d) PRIVACY.—The data collection and analysis under this section shall be conducted and maintained in a manner that protects the confidentiality of individually identifiable health information consistent with applicable statutes and regulations, including, as applicable, HIPAA privacy and security law (as defined in section 3009(a)(2)) and section 552a of title 5, United States Code.

''SEC. 3305. CLINICAL CENTERS OF EXCELLENCE AND DATA CENTERS.

''(a) IN GENERAL.—

''(1) CONTRACTS WITH CLINICAL CENTERS OF EXCELLENCE.—The WTC Program Administrator shall, subject to subsection (b)(1)(B), enter into contracts with Clinical Centers of Excellence (as defined in subsection (b)(1)(A))—

''(A) for the provision of monitoring and treatment benefits and initial health evaluation benefits under subtitle B;

''(B) for the provision of outreach activities to individuals eligible for such monitoring and treatment benefits, for initial health evaluation benefits, and for followup to individuals who are enrolled in the monitoring program;

''(C) for the provision of counseling for benefits under subtitle B, with respect to WTC-related health conditions, for individuals eligible for such benefits;

''(D) for the provision of counseling for benefits for WTC-related health conditions that may be available under workers' compensation or other benefit programs for work-related injuries or illnesses, health insurance, disability insurance, or other insurance plans or through public or private social service agencies and assisting eligible individuals in applying for such benefits;

''(E) for the provision of translational and interpretive services for program participants who are not English language proficient; and

''(F) for the collection and reporting of data in accordance with section 3304.

''(2) CONTRACTS WITH DATA CENTERS.—

''(A) IN GENERAL.—The WTC Program Administrator shall enter into contracts with Data Centers (as defined in subsection (b)(2))—

''(i) for receiving, analyzing, and reporting to the WTC Program Administrator on data, in accordance with section 3304, that have been collected and reported to such Data Centers by the corresponding Clinical Centers of Excellence under subsection (b)(1)(B)(iii);

''(ii) for the development of monitoring, initial health evaluation, and treatment protocols, with respect to WTC-related health conditions;

''(iii) for coordinating the outreach activities conducted under paragraph (1)(B) by each corresponding Clinical Center of Excellence;

''(iv) for establishing criteria for the credentialing of medical providers participating in the nationwide network under section 3313;

''(v) for coordinating and administering the activities of the WTC Health Program Steering Committees established under section 3002(b); and

''(vi) for meeting periodically with the corresponding Clinical Centers of Excellence to obtain input on the analysis and reporting of data collected under clause (i) and on the development of monitoring, initial health evaluation, and treatment protocols under clause (ii).

''(B) MEDICAL PROVIDER SELECTION.—The medical providers under subparagraph (A)(iv) shall be selected by the WTC Program Administrator on the basis of their experience treating or diagnosing the health conditions included in the list of WTC-related health conditions.

''(C) CLINICAL DISCUSSIONS.—In carrying out subparagraph (A)(ii), a Data Center shall engage in clinical discussions across the WTC Program to guide treatment approaches for individuals with a WTC-related health condition.

''(D) TRANSPARENCY OF DATA.—A contract entered into under this subsection with a Data Center shall require the Data Center to make any data collected and reported to such Center under subsection (b)(1)(B)(iii) available to health researchers and others as provided in the CDC/ATSDR Policy on Releasing and Sharing Data.

''(3) AUTHORITY FOR CONTRACTS TO BE CLASS SPECIFIC.—A contract entered into under this subsection with a Clinical Center of Excellence or a Data Center may be with respect to one or more class of enrolled WTC responders, screening-eligible WTC survivors, or certified-eligible WTC survivors.

''(4) USE OF COOPERATIVE AGREEMENTS.—Any contract under this title between the WTC Program Administrator and a Data Center or a Clinical Center of Excellence may be in the form of a cooperative agreement.

''(b) CENTERS OF EXCELLENCE.—

''(1) CLINICAL CENTERS OF EXCELLENCE.—

''(A) DEFINITION.—For purposes of this title, the term 'Clinical Center of Excellence' means a Center that demonstrates to the satisfaction of the Administrator that the Center—

''(i) uses an integrated, centralized health care provider approach to create a comprehensive suite of health services under this title that are accessible to enrolled WTC responders, screening-eligible WTC survivors, or certified-eligible WTC survivors;

''(ii) has experience in caring for WTC responders and screening-eligible WTC survivors or includes health care providers who have been trained pursuant to section 3313(c);

''(iii) employs health care provider staff with expertise that includes, at a minimum, occupational medicine, environmental medicine, trauma-related psychiatry and psychology, and social services counseling; and

''(iv) meets such other requirements as specified by the Administrator.

''(B) CONTRACT REQUIREMENTS.—The WTC Program Administrator shall not enter into a contract with a Clinical Center of Excellence under subsection (a)(1) unless the Center agrees to do each of the following:

''(i) Establish a formal mechanism for consulting with and receiving input from representatives of eligible populations receiving monitoring and treatment benefits under subtitle B from such Center.

''(ii) Coordinate monitoring and treatment benefits under subtitle B with routine medical care provided for the treatment of conditions other than WTC-related health conditions.

''(iii) Collect and report to the corresponding Data Center data in accordance with section 3304(b).

''(iv) Have in place safeguards against fraud that are satisfactory to the Administrator, in consultation with the Inspector General of the Department of Health and Human Services.

''(v) Treat or refer for treatment all individuals who are enrolled WTC responders or certified-eligible WTC survivors with respect to such Center who present themselves for treatment of a WTC-related health condition.

''(vi) Have in place safeguards, consistent with section 3304(c), to ensure the confidentiality of an individual's individually identifiable health information, including requiring that such information not be disclosed to the individual's employer without the authorization of the individual.

''(vii) Use amounts paid under subsection (c)(1) only for costs incurred in carrying out the activities described in subsection (a), other than those described in subsection (a)(1)(A).

''(viii) Utilize health care providers with occupational and environmental medicine expertise to conduct physical and mental health assessments, in accordance with protocols developed under subsection (a)(2)(A)(ii).

''(ix) Communicate with WTC responders and screening-eligible and certified-eligible WTC survivors in appropriate languages and conduct outreach activities with relevant stakeholder worker or community associations.

''(x) Meet all the other applicable requirements of this title, including regulations implementing such requirements.

''(C) TRANSITION RULE TO ENSURE CONTINUITY OF CARE.—The WTC Program Administrator shall to the maximum extent feasible ensure continuity of care in any period of transition from monitoring and treatment of an enrolled WTC responder or certified-eligible WTC survivor by a provider to a Clinical Center of Excellence or a health care provider participating in the nationwide network under section 3313.

''(2) DATA CENTERS.—For purposes of this title, the term 'Data Center' means a Center that the WTC Program Administrator determines has the capacity to carry out the responsibilities for a Data Center under subsection (a)(2).

''(3) CORRESPONDING CENTERS.—For purposes of this title, a Clinical Center of Excellence and a Data Center shall be treated as 'corresponding' to the extent that such Clinical Center and Data Center serve the same population group.

''(c) PAYMENT FOR INFRASTRUCTURE COSTS.—

''(1) IN GENERAL.—The WTC Program Administrator shall reimburse a Clinical Center of Excellence for the fixed infrastructure costs of such Center in carrying out the activities described in subtitle B at a rate negotiated by the Administrator and such Centers. Such negotiated rate shall be fair and appropriate and take into account the number of enrolled WTC responders receiving services from such Center under this title.

''(2) FIXED INFRASTRUCTURE COSTS.—For purposes of paragraph (1), the term 'fixed infrastructure costs' means, with respect to a Clinical Center of Excellence, the costs incurred by such Center that are not reimbursable by the WTC Program Administrator under section 3312(c).

''SEC. 3306. DEFINITIONS.

''In this title:

''(1) The term 'aggravating' means, with respect to a health condition, a health condition that existed on September 11, 2001, and that, as a result of exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks, requires medical treatment that is (or will be) in addition to, more frequent than, or of longer duration than the medical treatment that would have been required for such condition in the absence of such exposure.

''(2) The term 'certified-eligible WTC survivor' has the meaning given such term in section 3321(a)(2).

''(3) The terms 'Clinical Center of Excellence' and 'Data Center' have the meanings given such terms in section 3305.

''(4) The term 'enrolled WTC responder' means a WTC responder enrolled under section 3311(a)(3).

''(5) The term 'initial health evaluation' includes, with respect to an individual, a medical and exposure history, a physical examination, and additional medical testing as needed to evaluate whether the individual has a WTC-related health condition and is eligible for treatment under the WTC Program.

''(6) The term 'list of WTC-related health conditions' means—

''(A) for WTC responders, the health conditions listed in section 3312(a)(3); and

''(B) for screening-eligible and certified-eligible WTC survivors, the health conditions listed in section 3322(b).

''(7) The term 'New York City disaster area' means the area within New York City that is—

''(A) the area of Manhattan that is south of Houston Street; and

''(B) any block in Brooklyn that is wholly or partially contained within a 1.5-mile radius of the former World Trade Center site.

''(8) The term 'New York metropolitan area' means an area, specified by the WTC Program Administrator, within which WTC responders and eligible WTC screening-eligible survivors who reside in such area are reasonably able to access monitoring and treatment benefits and initial health evaluation benefits under this title through a Clinical Center of Excellence described in subparagraphs (A), (B), or (C) of section 3305(b)(1).

''(9) The term 'screening-eligible WTC survivor' has the meaning given such term in section 3321(a)(1).

''(10) Any reference to 'September 11, 2001' shall be deemed a reference to the period on such date subsequent to the terrorist attacks at the World Trade Center, Shanksville, Pennsylvania, or the Pentagon, as applicable, on such date.

''(11) The term 'September 11, 2001, terrorist attacks' means the terrorist attacks that occurred on September 11, 2001, in New York City, in Shanksville, Pennsylvania, and at the Pentagon, and includes the aftermath of such attacks.

''(12) The term 'WTC Health Program Steering Committee' means such a Steering Committee established under section 3302(b).

''(13) The term 'WTC Program' means the Word Trade Center Health Program established under section 3301(a).

''(14) The term 'WTC Program Administrator' means—

''(A) with respect to paragraphs (3) and (4) of section 3311(a) (relating to enrollment of WTC responders), section 3312(c) and the corresponding provisions of section 3322 (relating to payment for initial health evaluation, monitoring, and treatment), paragraphs (1)(C), (2)(B), and (3) of section 3321(a) (relating to determination or certification of screening-eligible or certified-eligible WTC responders), and part 3 of subtitle B (relating to payor provisions), an official in the Department of Health and Human Services, to be designated by the Secretary; and

''(B) with respect to any other provision of this title, the Director of the National Institute for Occupational Safety and Health, or a designee of such Director.

''(15) The term 'WTC-related health condition' is defined in section 3312(a).

''(16) The term 'WTC responder' is defined in section 3311(a).

''(17) The term 'WTC Scientific/Technical Advisory Committee' means such Committee established under section 3302(a).

''Subtitle B—Program of Monitoring, Initial Health Evaluations, and Treatment

''PART 1—WTC RESPONDERS

''SEC. 3311. IDENTIFICATION OF WTC RESPONDERS AND PROVISION OF WTC-RELATED MONITORING SERVICES.

''(a) WTC RESPONDER DEFINED.—

''(1) IN GENERAL.—For purposes of this title, the term 'WTC responder' means any of the following individuals, subject to paragraph (4):

''(A) CURRENTLY IDENTIFIED RESPONDER.—An individual who has been identified as eligible for monitoring under the arrangements as in effect on the date of the enactment of this title between the National Institute for Occupational Safety and Health and—

''(i) the consortium coordinated by Mt. Sinai Hospital in New York City that coordinates the monitoring and treatment for enrolled WTC responders other than with respect to those covered under the arrangement with the Fire Department of New York City; or

''(ii) the Fire Department of New York City.

''(B) RESPONDER WHO MEETS CURRENT ELIGIBILITY CRITERIA.—An individual who meets the current eligibility criteria described in paragraph (2).

''(C) RESPONDER WHO MEETS MODIFIED ELIGIBILITY CRITERIA.—An individual who—

''(i) performed rescue, recovery, demolition, debris cleanup, or other related services in the New York City disaster area in response to the September 11, 2001, terrorist attacks, regardless of whether such services were performed by a State or Federal employee or member of the National Guard or otherwise; and

''(ii) meets such eligibility criteria relating to exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks as the WTC Program Administrator, after consultation with the WTC Scientific/Technical Advisory Committee, determines appropriate.

The WTC Program Administrator shall not modify such eligibility criteria on or after the date that the number of enrollments of WTC responders has reached 80 percent of the limit described in paragraph (4) or on or after the date that the number of certifications for certified-eligible WTC survivors under section 3321(a)(2)(B) has reached 80 percent of the limit described in section 3321(a)(3).

''(2) CURRENT ELIGIBILITY CRITERIA.—The eligibility criteria described in this paragraph for an individual is that the individual is described in any of the following categories:

''(A) FIREFIGHTERS AND RELATED PERSONNEL.—The individual—

''(i) was a member of the Fire Department of New York City (whether fire or emergency personnel, active or retired) who participated at least one day in the rescue and recovery effort at any of the former World Trade Center sites (including Ground Zero, Staten Island Landfill, and the New York City Chief Medical Examiner's Office) for any time during the period beginning on September 11, 2001, and ending on July 31, 2002; or

''(ii)(I) is a surviving immediate family member of an individual who was a member of the Fire Department of New York City (whether fire or emergency personnel, active or retired) and was killed at the World Trade site on September 11, 2001; and

''(II) received any treatment for a WTC-related health condition described in section 3312(a)(1)(A)(ii) (relating to mental health conditions) on or before September 1, 2008.

''(B) LAW ENFORCEMENT OFFICERS AND WTC RESCUE, RECOVERY, AND CLEANUP WORKERS.—The individual—

''(i) worked or volunteered onsite in rescue, recovery, debris cleanup, or related support services in lower Manhattan (south of Canal St.), the Staten Island Landfill, or the barge loading piers, for at least 4 hours during the period beginning on September 11, 2001, and ending on September 14, 2001, for at least 24 hours during the period beginning on September 11, 2001, and ending on September 30, 2001, or for at least 80 hours during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(ii)(I) was a member of the Police Department of New York City (whether active or retired) or a member of the Port Authority Police of the Port Authority of New York and New Jersey (whether active or retired) who participated onsite in rescue, recovery, debris cleanup, or related services in lower Manhattan (south of Canal St.), including Ground Zero, the Staten Island Landfill, or the barge loading piers, for at least 4 hours during the period beginning September 11, 2001, and ending on September 14, 2001;

''(II) participated onsite in rescue, recovery, debris cleanup, or related services in at Ground Zero, the Staten Island Landfill, or

the barge loading piers, for at least one day during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(III) participated onsite in rescue, recovery, debris cleanup, or related services in lower Manhattan (south of Canal St.) for at least 24 hours during the period beginning on September 11, 2001, and ending on September 30, 2001; or

''(IV) participated onsite in rescue, recovery, debris cleanup, or related services in lower Manhattan (south of Canal St.) for at least 80 hours during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(iii) was an employee of the Office of the Chief Medical Examiner of New York City involved in the examination and handling of human remains from the World Trade Center attacks, or other morgue worker who performed similar post-September 11 functions for such Office staff, during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(iv) was a worker in the Port Authority Trans-Hudson Corporation Tunnel for at least 24 hours during the period beginning on February 1, 2002, and ending on July 1, 2002; or

''(v) was a vehicle-maintenance worker who was exposed to debris from the former World Trade Center while retrieving, driving, cleaning, repairing, and maintaining vehicles contaminated by airborne toxins from the September 11, 2001, terrorist attacks during a duration and period described in subparagraph (A).

''(C) RESPONDERS TO THE SEPTEMBER 11 ATTACKS AT THE PENTAGON AND SHANKSVILLE, PENNSYLVANIA.—The individual—

''(i)(I) was a member of a fire or police department (whether fire or emergency personnel, active or retired), worked for a recovery or cleanup contractor, or was a volunteer; and performed rescue, recovery, demolition, debris cleanup, or other related services at the Pentagon site of the terrorist-related aircraft crash of September 11, 2001, during the period beginning on September 11, 2001, and ending on the date on which the cleanup of the site was concluded, as determined by the WTC Program Administrator; or

''(II) was a member of a fire or police department (whether fire or emergency personnel, active or retired), worked for a recovery or cleanup contractor, or was a volunteer; and performed rescue, recovery, demolition, debris cleanup, or other related services at the Shanksville, Pennsylvania, site of the terrorist-related aircraft crash of September 11, 2001, during the period beginning on September 11, 2001, and ending on the date on which the cleanup of the site was concluded, as determined by the WTC Program Administrator; and

''(ii) is determined by the WTC Program Administrator to be at an increased risk of developing a WTC-related health condition as a result of exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks, and meets such eligibility criteria related to such exposures, as the WTC Program Administrator determines are appropriate, after consultation with the WTC Scientific/Technical Advisory Committee.

''(3) ENROLLMENT PROCESS.—

''(A) IN GENERAL.—The WTC Program Administrator shall establish a process for enrolling WTC responders in the WTC Program. Under such process—

''(i) WTC responders described in paragraph (1)(A) shall be deemed to be enrolled in such Program;

''(ii) subject to clause (iii), the Administrator shall enroll in such program individuals who are determined to be WTC responders;

''(iii) the Administrator shall deny such enrollment to an individual if the Administrator determines that the numerical limitation in paragraph (4) on enrollment of WTC responders has been met;

''(iv) there shall be no fee charged to the applicant for making an application for such enrollment;

''(v) the Administrator shall make a determination on such an application not later than 60 days after the date of filing the application; and

''(vi) an individual who is denied enrollment in such Program shall have an opportunity to appeal such determination in a manner established under such process.

''(B) TIMING.—

''(i) CURRENTLY IDENTIFIED RESPONDERS.—In accordance with subparagraph (A)(i), the WTC Program Administrator shall enroll an individual described in paragraph (1)(A) in the WTC Program not later than July 1, 2011.

''(ii) OTHER RESPONDERS.—In accordance with subparagraph (A)(ii) and consistent with paragraph (4), the WTC Program Administrator shall enroll any other individual who is determined to be a WTC responder in the WTC Program at the time of such determination.

''(4) NUMERICAL LIMITATION ON ELIGIBLE WTC RESPONDERS.—

''(A) IN GENERAL.—The total number of individuals not described in paragraph (1)(A) or (2)(A)(ii) who may be enrolled under paragraph (3)(A)(ii) shall not exceed 25,000 at any time, of which no more than 2,500 may be individuals enrolled based on modified eligibility criteria established under paragraph (1)(C).

''(B) PROCESS.—In implementing subparagraph (A), the WTC Program Administrator shall—

''(i) limit the number of enrollments made under paragraph (3)—

''(I) in accordance with such subparagraph; and

''(II) to such number, as determined by the Administrator based on the best available information and subject to amounts available under section 3351, that will ensure sufficient funds will be available to provide treatment and monitoring benefits under this title, with respect to all individuals who are enrolled through the end of fiscal year 2020; and

''(ii) provide priority (subject to paragraph (3)(A)(i)) in such enrollments in the order in which individuals apply for enrollment under paragraph (3).

''(5) DISQUALIFICATION OF INDIVIDUALS ON TERRORIST WATCH LIST.—No individual who is on the terrorist watch list maintained by the Department of Homeland Security shall qualify as an eligible WTC responder. Before enrolling any individual as a WTC responder in the WTC Program under paragraph (3), the Administrator, in consultation with the Secretary of Homeland Security, shall determine whether the individual is on such list.

''(b) MONITORING BENEFITS.—

''(1) IN GENERAL.—In the case of an enrolled WTC responder (other than one described in subsection (a)(2)(A)(ii)), the WTC Program shall provide for monitoring benefits that include monitoring consistent with protocols approved by the WTC Program Administrator and including clinical examinations and long-term health monitoring and analysis. In the case of an enrolled WTC responder who is an active member of the Fire Department of New York City, the responder shall receive such benefits as part of the individual's periodic company medical exams.

''(2) PROVISION OF MONITORING BENEFITS.—The monitoring benefits under paragraph (1) shall be provided through the Clinical Center of Excellence for the type of individual involved or, in the case of an individual residing outside the New York metropolitan area, under an arrangement under section 3313.

''SEC. 3312. TREATMENT OF ENROLLED WTC RESPONDERS FOR WTC-RELATED HEALTH CONDITIONS.

''(a) WTC-RELATED HEALTH CONDITION DEFINED.—

''(1) IN GENERAL.—For purposes of this title, the term 'WTC-related health condition' means a condition that—

''(A)(i) is an illness or health condition for which exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks, based on an examination by a medical professional with experience in treating or diagnosing the health conditions included in the applicable list of WTC-related health conditions, is substantially likely to be a significant factor in aggravating, contributing to, or causing the illness or health condition, as determined under paragraph (2); or

''(ii) is a mental health condition for which such attacks, based on an examination by a medical professional with experience in treating or diagnosing the health conditions included in the applicable list of WTC-related health conditions, is substantially likely to be a significant factor in aggravating, contributing to, or causing the condition, as determined under paragraph (2); and

''(B) is included in the applicable list of WTC-related health conditions or—

''(i) with respect to a WTC responder, is provided certification of coverage under subsection (b)(2)(B)(iii); or

''(ii) with respect to a screening-eligible WTC survivor or certified-eligible WTC survivor, is provided certification of coverage under subsection (b)(2)(B)(iii), as applied under section 3322(a).

In the case of a WTC responder described in section 3311(a)(2)(A)(ii) (relating to a surviving immediate family member of a firefighter), such term does not include an illness or health condition described in subparagraph (A)(i).

''(2) DETERMINATION.—The determination under paragraph (1) or subsection (b) of whether the September 11, 2001, terrorist attacks were substantially likely to be a significant factor in aggravating, contributing to, or causing an individual's illness or health condition shall be made based on an assessment of the following:

''(A) The individual's exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the terrorist attacks. Such exposure shall be—

''(i) evaluated and characterized through the use of a standardized, population-appropriate questionnaire approved by the Director of the National Institute for Occupational Safety and Health; and

''(ii) assessed and documented by a medical professional with experience in treating or diagnosing health conditions included on the list of WTC-related health conditions.

''(B) The type of symptoms and temporal sequence of symptoms. Such symptoms shall be—

''(i) assessed through the use of a standardized, population-appropriate medical questionnaire approved by the Director of the National Institute for Occupational Safety and Health and a medical examination; and

''(ii) diagnosed and documented by a medical professional described in subparagraph (A)(ii).

''(3) LIST OF HEALTH CONDITIONS FOR WTC RESPONDERS.—The list of health conditions for WTC responders consists of the following:

''(A) AERODIGESTIVE DISORDERS.—

''(i) Interstitial lung diseases.

''(ii) Chronic respiratory disorder—fumes/vapors.

''(iii) Asthma.

''(iv) Reactive airways dysfunction syndrome (RADS).

''(v) WTC-exacerbated chronic obstructive pulmonary disease (COPD).

''(vi) Chronic cough syndrome.

''(vii) Upper airway hyperreactivity.

''(viii) Chronic rhinosinusitis.

''(ix) Chronic nasopharyngitis.

''(x) Chronic laryngitis.

''(xi) Gastroesophageal reflux disorder (GERD).

''(xii) Sleep apnea exacerbated by or related to a condition described in a previous clause.

''(B) MENTAL HEALTH CONDITIONS.—

''(i) Posttraumatic stress disorder (PTSD).

''(ii) Major depressive disorder.

''(iii) Panic disorder.

''(iv) Generalized anxiety disorder.

''(v) Anxiety disorder (not otherwise specified).

''(vi) Depression (not otherwise specified).

''(vii) Acute stress disorder.

''(viii) Dysthymic disorder.

''(ix) Adjustment disorder.

''(x) Substance abuse.

''(C) MUSCULOSKELETAL DISORDERS FOR CERTAIN WTC RESPONDERS.—In the case of a WTC responder described in paragraph (4), a condition described in such paragraph.

''(D) ADDITIONAL CONDITIONS.—Any cancer (or type of cancer) or other condition added, pursuant to paragraph (5) or (6), to the list under this paragraph.

''(4) MUSCULOSKELETAL DISORDERS.—

''(A) IN GENERAL.—For purposes of this title, in the case of a WTC responder who received any treatment for a WTC-related musculoskeletal disorder on or before September 11, 2003, the list of health conditions in paragraph (3) shall include:

''(i) Low back pain.

''(ii) Carpal tunnel syndrome (CTS).

''(iii) Other musculoskeletal disorders.

''(B) DEFINITION.—The term 'WTC-related musculoskeletal disorder' means a chronic or recurrent disorder of the musculoskeletal system caused by heavy lifting or repetitive strain on the joints or musculoskeletal system occurring during rescue or recovery efforts in the New York City disaster area in the aftermath of the September 11, 2001, terrorist attacks.

''(5) CANCER.—

''(A) IN GENERAL.—The WTC Program Administrator shall periodically conduct a review of all available scientific and medical evidence, including findings and recommendations of Clinical Centers of Excellence, published in peer-reviewed journals to determine if, based on such evidence, cancer or a certain type of cancer should be added to the applicable list of WTC-related health conditions. The WTC Program Administrator shall conduct the first review under this subparagraph not later than 180 days after the date of the enactment of this title.

''(B) PROPOSED REGULATIONS AND RULEMAKING.—Based on the periodic reviews under subparagraph (A), if the WTC Program Administrator determines that cancer or a certain type of cancer should be added to such list of WTC-related health conditions, the WTC Program Administrator shall propose regulations, through rulemaking, to add cancer or the certain type of cancer to such list.

''(C) FINAL REGULATIONS.—Based on all the available evidence in the rulemaking record, the WTC Program Administrator shall make a final determination of whether cancer or a certain type of cancer should be added to such list of WTC-related health conditions. If such a determination is made to make such an addition, the WTC Program Administrator shall by regulation add cancer or the certain type of cancer to such list.

''(D) DETERMINATIONS NOT TO ADD CANCER OR CERTAIN TYPES OF CANCER.—In the case that the WTC Program Administrator determines under subparagraph (B) or (C) that cancer or a certain type of cancer should not be added to such list of WTC-related health conditions, the WTC Program Administrator shall publish an explanation for such determination in the Federal Register. Any such determination to not make such an addition shall not preclude the addition of cancer or the certain type of cancer to such list at a later date.

''(6) ADDITION OF HEALTH CONDITIONS TO LIST FOR WTC RESPONDERS.—

''(A) IN GENERAL.—Whenever the WTC Program Administrator determines that a proposed rule should be promulgated to add a health condition to the list of health conditions in paragraph (3), the Administrator may request a recommendation of the Advisory Committee or may publish such a proposed rule in the Federal Register in accordance with subparagraph (D).

''(B) ADMINISTRATOR'S OPTIONS AFTER RECEIPT OF PETITION.—In the case that the WTC Program Administrator receives a written petition by an interested party to add a health condition to the list of health conditions in paragraph (3), not later than 60 days after the date of receipt of such petition the Administrator shall—

''(i) request a recommendation of the Advisory Committee;

''(ii) publish a proposed rule in the Federal Register to add such health condition, in accordance with subparagraph (D);

''(iii) publish in the Federal Register the Administrator's determination not to publish such a proposed rule and the basis for such determination; or

''(iv) publish in the Federal Register a determination that insufficient evidence exists to take action under clauses (i) through (iii).

''(C) ACTION BY ADVISORY COMMITTEE.—In the case that the Administrator requests a recommendation of the Advisory Committee under this paragraph, with respect to adding a health condition to the list in paragraph (3), the Advisory Committee shall submit to the Administrator such recommendation not later than 60 days after the date of such request or by such date (not to exceed 180 days after such date of request) as specified by the Administrator. Not later than 60 days after the date of receipt of such recommendation, the Administrator shall, in accordance with subparagraph (D), publish in the Federal Register a proposed rule with respect to such recommendation or a determination not to propose such a proposed rule and the basis for such determination.

''(D) PUBLICATION.—The WTC Program Administrator shall, with respect to any proposed rule under this paragraph—

''(i) publish such proposed rule in accordance with section 553 of title 5, United States Code; and

''(ii) provide interested parties a period of 30 days after such publication to submit written comments on the proposed rule.

The WTC Program Administrator may extend the period described in clause (ii) upon a finding of good cause. In the case of such an extension, the Administrator shall publish such extension in the Federal Register.

''(E) INTERESTED PARTY DEFINED.—For purposes of this paragraph, the term 'interested party' includes a representative of any organization representing WTC responders, a nationally recognized medical association, a Clinical or Data Center, a State or political subdivision, or any other interested person.

''(b) COVERAGE OF TREATMENT FOR WTC-RELATED HEALTH CONDITIONS.—

''(1) DETERMINATION FOR ENROLLED WTC RESPONDERS BASED ON A WTC-RELATED HEALTH CONDITION.—

''(A) IN GENERAL.—If a physician at a Clinical Center of Excellence that is providing monitoring benefits under section 3311 for an enrolled WTC responder makes a determination that the responder has a WTC-related health condition that is in the list in subsection (a)(3) and that exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 1, 2001, terrorist attacks is substantially likely to be a significant factor in aggravating, contributing to, or causing the condition—

''(i) the physician shall promptly transmit such determination to the WTC Program Administrator and provide the Administrator with the medical facts supporting such determination; and

''(ii) on and after the date of such transmittal and subject to subparagraph (B), the WTC Program shall provide for payment under subsection (c) for medically necessary treatment for such condition.

''(B) REVIEW; CERTIFICATION; APPEALS.—

''(i) REVIEW.—A Federal employee designated by the WTC Program Administrator shall review determinations made under subparagraph (A).

''(ii) CERTIFICATION.—The Administrator shall provide a certification of such condition based upon reviews conducted under clause (i). Such a certification shall be provided unless the Administrator determines that the responder's condition is not a WTC-related health condition in the list in subsection (a)(3) or that exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 1, 2001, terrorist attacks is not substantially likely to be a significant factor in aggravating, contributing to, or causing the condition.

''(iii) APPEAL PROCESS.—The Administrator shall establish, by rule, a process for the appeal of determinations under clause (ii).

''(2) DETERMINATION BASED ON MEDICALLY ASSOCIATED WTC-RELATED HEALTH CONDITIONS.—

''(A) IN GENERAL.—If a physician at a Clinical Center of Excellence determines pursuant to subsection (a) that the enrolled WTC responder has a health condition described in subsection (a)(1)(A) that is not in the list in subsection (a)(3) but which is medically associated with a WTC-related health condition—

''(i) the physician shall promptly transmit such determination to the WTC Program Administrator and provide the Administrator with the facts supporting such determination; and

''(ii) the Administrator shall make a determination under subparagraph (B) with respect to such physician's determination.

''(B) PROCEDURES FOR REVIEW, CERTIFICATION, AND APPEAL.—The WTC Program Administrator shall, by rule, establish procedures for the review and certification of physician determinations under subparagraph (A). Such rule shall provide for—

''(i) the timely review of such a determination by a physician panel with appropriate expertise for the condition and recommendations to the WTC Program Administrator;

''(ii) not later than 60 days after the date of the transmittal under subparagraph (A)(i), a determination by the WTC Program Administrator on whether or not the condition involved is described in subsection (a)(1)(A) and is medically associated with a WTC-related health condition;

''(iii) certification in accordance with paragraph (1)(B)(ii) of coverage of such condition if determined to be described in subsection (a)(1)(A) and medically associated with a WTC-related health condition; and

''(iv) a process for appeals of determinations relating to such conditions.

''(C) INCLUSION IN LIST OF HEALTH CONDITIONS.—If the WTC Program Administrator

provides certification under subparagraph (B)(iii) for coverage of a condition, the Administrator may, pursuant to subsection (a)(6), add the condition to the list in subsection (a)(3).

''(D) CONDITIONS ALREADY DECLINED FOR INCLUSION IN LIST.—If the WTC Program Administrator publishes a determination under subsection (a)(6)(B) not to include a condition in the list in subsection (a)(3), the WTC Program Administrator shall not provide certification under subparagraph (B)(iii) for coverage of the condition. In the case of an individual who is certified under subparagraph (B)(iii) with respect to such condition before the date of the publication of such determination the previous sentence shall not apply.

''(3) REQUIREMENT OF MEDICAL NECESSITY.—

''(A) IN GENERAL.—In providing treatment for a WTC-related health condition, a physician or other provider shall provide treatment that is medically necessary and in accordance with medical treatment protocols established under subsection (d).

''(B) REGULATIONS RELATING TO MEDICAL NECESSITY.—For the purpose of this title, the WTC Program Administrator shall issue regulations specifying a standard for determining medical necessity with respect to health care services and prescription pharmaceuticals, a process for determining whether treatment furnished and pharmaceuticals prescribed under this title meet such standard (including any prior authorization requirement), and a process for appeal of a determination under subsection (c)(3).

''(4) SCOPE OF TREATMENT COVERED.—

''(A) IN GENERAL.—The scope of treatment covered under this subsection includes services of physicians and other health care providers, diagnostic and laboratory tests, prescription drugs, inpatient and outpatient hospital services, and other medically necessary treatment.

''(B) PHARMACEUTICAL COVERAGE.—With respect to ensuring coverage of medically necessary outpatient prescription drugs, such drugs shall be provided, under arrangements made by the WTC Program Administrator, directly through participating Clinical Centers of Excellence or through one or more outside vendors.

''(C) TRANSPORTATION EXPENSES FOR NATIONWIDE NETWORK.—The WTC Program Administrator may provide for necessary and reasonable transportation and expenses incident to the securing of medically necessary treatment through the nationwide network under section 3313 involving travel of more than 250 miles and for which payment is made under this section in the same manner in which individuals may be furnished necessary and reasonable transportation and expenses incident to services involving travel of more than 250 miles under regulations implementing section 3629(c) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of Public Law 106–398; 42 U.S.C. 7384t(c)).

''(5) PROVISION OF TREATMENT PENDING CERTIFICATION.—With respect to an enrolled WTC responder for whom a determination is made by an examining physician under paragraph (1) or (2), but for whom the WTC Program Administrator has not yet determined whether to certify the determination, the WTC Program Administrator may establish by rule a process through which the Administrator may approve the provision of medical treatment under this subsection (and payment under subsection (c)) with respect to such responder and such responder's WTC-related health condition (under such terms and conditions as the Administrator may provide) until the Administrator makes a decision on whether to certify the determination.

''(c) PAYMENT FOR INITIAL HEALTH EVALUATION, MONITORING, AND TREATMENT OF WTC-RELATED HEALTH CONDITIONS.—

''(1) MEDICAL TREATMENT.—

''(A) USE OF FECA PAYMENT RATES.—Subject to subparagraphs (B) and (C), the WTC Program Administrator shall reimburse costs for medically necessary treatment under this title for WTC-related health conditions according to the payment rates that would apply to the provision of such treatment and services by the facility under the Federal Employees Compensation Act. For treatment not covered under the previous sentence or subparagraph (B), the WTC Program Administrator shall establish by regulation a reimbursement rate for such treatment.

''(B) PHARMACEUTICALS.—

''(i) IN GENERAL.—The WTC Program Administrator shall establish a program for paying for the medically necessary outpatient prescription pharmaceuticals prescribed under this title for WTC-related health conditions through one or more contracts with outside vendors.

''(ii) COMPETITIVE BIDDING.—Under such program the Administrator shall—

''(I) select one or more appropriate vendors through a Federal competitive bid process; and

''(II) select the lowest bidder (or bidders) meeting the requirements for providing pharmaceutical benefits for participants in the WTC Program.

''(iii) TREATMENT OF FDNY PARTICIPANTS.—Under such program the Administrator may enter into an agreement with a separate vendor to provide pharmaceutical benefits to enrolled WTC responders for whom the Clinical Center of Excellence is described in section 3305 if such an arrangement is deemed necessary and beneficial to the program by the WTC Program Administrator.

''(C) IMPROVING QUALITY AND EFFICIENCY THROUGH MODIFICATION OF PAYMENT AMOUNTS AND METHODOLOGIES.—The WTC Program Administrator may modify the amounts and methodologies for making payments for initial health evaluations, monitoring, or treatment, if, taking into account utilization and quality data furnished by the Clinical Centers of Excellence under section 3305(b)(1)(B)(iii), the Administrator determines that a bundling, capitation, pay for performance, or other payment methodology would better ensure high quality and efficient delivery of initial health evaluations, monitoring, or treatment to an enrolled WTC responder, screening-eligible WTC survivor, or certified-eligible WTC survivor.

''(2) MONITORING AND INITIAL HEALTH EVALUATION.—The WTC Program Administrator shall reimburse the costs of monitoring and the costs of an initial health evaluation provided under this title at a rate set by the Administrator by regulation.

''(3) DETERMINATION OF MEDICAL NECESSITY.—

''(A) REVIEW OF MEDICAL NECESSITY AND PROTOCOLS.—As part of the process for reimbursement or payment under this subsection, the WTC Program Administrator shall provide for the review of claims for reimbursement or payment for the provision of medical treatment to determine if such treatment is medically necessary and in accordance with medical treatment protocols established under subsection (d).

''(B) WITHHOLDING OF PAYMENT FOR MEDICALLY UNNECESSARY TREATMENT.—The Administrator shall withhold such reimbursement or payment for treatment that the Administrator determines is not medically necessary or is not in accordance with such medical treatment protocols.

''(d) MEDICAL TREATMENT PROTOCOLS.—

''(1) DEVELOPMENT.—The Data Centers shall develop medical treatment protocols for the treatment of enrolled WTC responders and certified-eligible WTC survivors for health conditions included in the applicable list of WTC-related health conditions.

''(2) APPROVAL.—The medical treatment protocols developed under paragraph (1) shall be subject to approval by the WTC Program Administrator.

''SEC. 3313. NATIONAL ARRANGEMENT FOR BENEFITS FOR ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK.

''(a) IN GENERAL.—In order to ensure reasonable access to benefits under this subtitle for individuals who are enrolled WTC responders, screening-eligible WTC survivors, or certified-eligible WTC survivors and who reside in any State, as defined in section 2(f), outside the New York metropolitan area, the WTC Program Administrator shall establish a nationwide network of health care providers to provide monitoring and treatment benefits and initial health evaluations near such individuals' areas of residence in such States. Nothing in this subsection shall be construed as preventing such individuals from being provided such monitoring and treatment benefits or initial health evaluation through any Clinical Center of Excellence.

''(b) NETWORK REQUIREMENTS.—Any health care provider participating in the network under subsection (a) shall—

''(1) meet criteria for credentialing established by the Data Centers;

''(2) follow the monitoring, initial health evaluation, and treatment protocols developed under section 3305(a)(2)(A)(ii);

''(3) collect and report data in accordance with section 3304; and

''(4) meet such fraud, quality assurance, and other requirements as the WTC Program Administrator establishes, including sections 1128 through 1128E of the Social Security Act, as applied by section 3301(d).

''(c) TRAINING AND TECHNICAL ASSISTANCE.—The WTC Program Administer may provide, including through contract, for the provision of training and technical assistance to health care providers participating in the network under subsection (a).

''PART 2—WTC SURVIVORS

''SEC. 3321. IDENTIFICATION AND INITIAL HEALTH EVALUATION OF SCREENING-ELIGIBLE AND CERTIFIED-ELIGIBLE WTC SURVIVORS.

''(a) IDENTIFICATION OF SCREENING-ELIGIBLE WTC SURVIVORS AND CERTIFIED-ELIGIBLE WTC SURVIVORS.—

''(1) SCREENING-ELIGIBLE WTC SURVIVORS.—

''(A) DEFINITION.—In this title, the term 'screening-eligible WTC survivor' means, subject to subparagraph (C) and paragraph (3), an individual who is described in any of the following clauses:

''(i) CURRENTLY IDENTIFIED SURVIVOR.—An individual, including a WTC responder, who has been identified as eligible for medical treatment and monitoring by the WTC Environmental Health Center as of the date of enactment of this title.

''(ii) SURVIVOR WHO MEETS CURRENT ELIGIBILITY CRITERIA.—An individual who is not a WTC responder, for purposes of the initial health evaluation under subsection (b), claims symptoms of a WTC-related health condition and meets any of the current eligibility criteria described in subparagraph (B).

''(iii) SURVIVOR WHO MEETS MODIFIED ELIGIBILITY CRITERIA.—An individual who is not a WTC responder, for purposes of the initial health evaluation under subsection (b), claims symptoms of a WTC-related health condition and meets such eligibility criteria relating to exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks as the WTC Administrator determines,

after consultation with the Data Centers described in section 3305 and the WTC Scientific/Technical Advisory Committee and WTC Health Program Steering Committees under section 3302.

The Administrator shall not modify such criteria under clause (iii) on or after the date that the number of certifications for certified-eligible WTC survivors under paragraph (2)(B) has reached 80 percent of the limit described in paragraph (3) or on or after the date that the number of enrollments of WTC responders has reached 80 percent of the limit described in section 3311(a)(4).

''(B) CURRENT ELIGIBILITY CRITERIA.—The eligibility criteria described in this subparagraph for an individual are that the individual is described in any of the following clauses:

''(i) A person who was present in the New York City disaster area in the dust or dust cloud on September 11, 2001.

''(ii) A person who worked, resided, or attended school, childcare, or adult daycare in the New York City disaster area for—

''(I) at least 4 days during the 4-month period beginning on September 11, 2001, and ending on January 10, 2002; or

''(II) at least 30 days during the period beginning on September 11, 2001, and ending on July 31, 2002.

''(iii) Any person who worked as a cleanup worker or performed maintenance work in the New York City disaster area during the 4-month period described in subparagraph (B)(i) and had extensive exposure to WTC dust as a result of such work.

''(iv) A person who was deemed eligible to receive a grant from the Lower Manhattan Development Corporation Residential Grant Program, who possessed a lease for a residence or purchased a residence in the New York City disaster area, and who resided in such residence during the period beginning on September 11, 2001, and ending on May 31, 2003.

''(v) A person whose place of employment—

''(I) at any time during the period beginning on September 11, 2001, and ending on May 31, 2003, was in the New York City disaster area; and

''(II) was deemed eligible to receive a grant from the Lower Manhattan Development Corporation WTC Small Firms Attraction and Retention Act program or other government incentive program designed to revitalize the lower Manhattan economy after the September 11, 2001, terrorist attacks.

''(C) APPLICATION AND DETERMINATION PROCESS FOR SCREENING ELIGIBILITY.—

''(i) IN GENERAL.—The WTC Program Administrator in consultation with the Data Centers shall establish a process for individuals, other than individuals described in subparagraph (A)(i), to be determined to be screening-eligible WTC survivors. Under such process—

''(I) there shall be no fee charged to the applicant for making an application for such determination;

''(II) the Administrator shall make a determination on such an application not later than 60 days after the date of filing the application;

''(III) the Administrator shall make such a determination relating to an applicant's compliance with this title and shall not determine that an individual is not so eligible or deny written documentation under clause (ii) to such individual unless the Administrator determines that—

''(aa) based on the application submitted, the individual does not meet the eligibility criteria; or

''(bb) the numerical limitation on certifications of certified-eligible WTC survivors set forth in paragraph (3) has been met; and

''(IV) an individual who is determined not to be a screening-eligible WTC survivor shall have an opportunity to appeal such determination in a manner established under such process.

''(ii) WRITTEN DOCUMENTATION OF SCREENING-ELIGIBILITY.—

''(I) IN GENERAL.—In the case of an individual who is described in subparagraph (A)(i) or who is determined under clause (i) (consistent with paragraph (3)) to be a screening-eligible WTC survivor, the WTC Program Administrator shall provide an appropriate written documentation of such fact.

''(II) TIMING.—

''(aa) CURRENTLY IDENTIFIED SURVIVORS.—In the case of an individual who is described in subparagraph (A)(i), the WTC Program Administrator shall provide the written documentation under subclause (I) not later than July 1, 2011.

''(bb) OTHER MEMBERS.—In the case of another individual who is determined under clause (i) and consistent with paragraph (3) to be a screening-eligible WTC survivor, the WTC Program Administrator shall provide the written documentation under subclause (I) at the time of such determination.

''(2) CERTIFIED-ELIGIBLE WTC SURVIVORS.—

''(A) DEFINITION.—The term 'certified-eligible WTC survivor' means, subject to paragraph (3), a screening-eligible WTC survivor who the WTC Program Administrator certifies under subparagraph (B) to be eligible for followup monitoring and treatment under this part.

''(B) CERTIFICATION OF ELIGIBILITY FOR MONITORING AND TREATMENT.—

''(i) IN GENERAL.—The WTC Program Administrator shall establish a certification process under which the Administrator shall provide appropriate certification to screening-eligible WTC survivors who, pursuant to the initial health evaluation under subsection (b), are determined to be eligible for followup monitoring and treatment under this part.

''(ii) TIMING.—

''(I) CURRENTLY IDENTIFIED SURVIVORS.—In the case of an individual who is described in paragraph (1)(A)(i), the WTC Program Administrator shall provide the certification under clause (i) not later than July 1, 2011.

''(II) OTHER MEMBERS.—In the case of another individual who is determined under clause (i) to be eligible for followup monitoring and treatment, the WTC Program Administrator shall provide the certification under such clause at the time of such determination.

''(3) NUMERICAL LIMITATION ON CERTIFIED-ELIGIBLE WTC SURVIVORS.—

''(A) IN GENERAL.—The total number of individuals not described in paragraph (1)(A)(i) who may be certified as certified-eligible WTC survivors under paragraph (2)(B) shall not exceed 25,000 at any time.

''(B) PROCESS.—In implementing subparagraph (A), the WTC Program Administrator shall—

''(i) limit the number of certifications provided under paragraph (2)(B)—

''(I) in accordance with such subparagraph; and

''(II) to such number, as determined by the Administrator based on the best available information and subject to amounts made available under section 3351, that will ensure sufficient funds will be available to provide treatment and monitoring benefits under this title, with respect to all individuals receiving such certifications through the end of fiscal year 2020; and

''(ii) provide priority in such certifications in the order in which individuals apply for a determination under paragraph (2)(B).

''(4) DISQUALIFICATION OF INDIVIDUALS ON TERRORIST WATCH LIST.—No individual who is on the terrorist watch list maintained by the Department of Homeland Security shall qualify as a screening-eligible WTC survivor or a certified-eligible WTC survivor. Before determining any individual to be a screening-eligible WTC survivor under paragraph (1) or certifying any individual as a certified eligible WTC survivor under paragraph (2), the Administrator, in consultation with the Secretary of Homeland Security, shall determine whether the individual is on such list.

''(b) INITIAL HEALTH EVALUATION TO DETERMINE ELIGIBILITY FOR FOLLOWUP MONITORING OR TREATMENT.—

''(1) IN GENERAL.—In the case of a screening-eligible WTC survivor, the WTC Program shall provide for an initial health evaluation to determine if the survivor has a WTC-related health condition and is eligible for followup monitoring and treatment benefits under the WTC Program. Initial health evaluation protocols under section 3305(a)(2)(A)(ii) shall be subject to approval by the WTC Program Administrator.

''(2) INITIAL HEALTH EVALUATION PROVIDERS.—The initial health evaluation described in paragraph (1) shall be provided through a Clinical Center of Excellence with respect to the individual involved.

''(3) LIMITATION ON INITIAL HEALTH EVALUATION BENEFITS.—Benefits for an initial health evaluation under this part for a screening-eligible WTC survivor shall consist only of a single medical initial health evaluation consistent with initial health evaluation protocols described in paragraph (1). Nothing in this paragraph shall be construed as preventing such an individual from seeking additional medical initial health evaluations at the expense of the individual.

''SEC. 3322. FOLLOWUP MONITORING AND TREATMENT OF CERTIFIED-ELIGIBLE WTC SURVIVORS FOR WTC-RELATED HEALTH CONDITIONS.

''(a) IN GENERAL.—Subject to subsection (b), the provisions of sections 3311 and 3312 shall apply to followup monitoring and treatment of WTC-related health conditions for certified-eligible WTC survivors in the same manner as such provisions apply to the monitoring and treatment of WTC-related health conditions for enrolled WTC responders.

''(b) LIST OF WTC-RELATED HEALTH CONDITIONS FOR SURVIVORS.—The list of health conditions for screening-eligible WTC survivors and certified-eligible WTC survivors consists of the following:

''(1) AERODIGESTIVE DISORDERS.—

''(A) Interstitial lung diseases.

''(B) Chronic respiratory disorder—fumes/vapors.

''(C) Asthma.

''(D) Reactive airways dysfunction syndrome (RADS).

''(E) WTC-exacerbated chronic obstructive pulmonary disease (COPD).

''(F) Chronic cough syndrome.

''(G) Upper airway hyperreactivity.

''(H) Chronic rhinosinusitis.

''(I) Chronic nasopharyngitis.

''(J) Chronic laryngitis.

''(K) Gastroesophageal reflux disorder (GERD).

''(L) Sleep apnea exacerbated by or related to a condition described in a previous clause.

''(2) MENTAL HEALTH CONDITIONS.—

''(A) Posttraumatic stress disorder (PTSD).

''(B) Major depressive disorder.

''(C) Panic disorder.

''(D) Generalized anxiety disorder.

''(E) Anxiety disorder (not otherwise specified).

''(F) Depression (not otherwise specified).

''(G) Acute stress disorder.

''(H) Dysthymic disorder.

''(I) Adjustment disorder.

''(J) Substance abuse.

''(3) ADDITIONAL CONDITIONS.—Any cancer (or type of cancer) or other condition added to the list in section 3312(a)(3) pursuant to paragraph (5) or (6) of section 3312(a), as such provisions are applied under subsection (a) with respect to certified-eligible WTC survivors.

''SEC. 3323. FOLLOWUP MONITORING AND TREATMENT OF OTHER INDIVIDUALS WITH WTC-RELATED HEALTH CONDITIONS.

''(a) IN GENERAL.—Subject to subsection (c), the provisions of section 3322 shall apply to the followup monitoring and treatment of WTC-related health conditions in the case of individuals described in subsection (b) in the same manner as such provisions apply to the followup monitoring and treatment of WTC-related health conditions for certified-eligible WTC survivors.

''(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who, regardless of location of residence—

''(1) is not an enrolled WTC responder or a certified-eligible WTC survivor; and

''(2) is diagnosed at a Clinical Center of Excellence with a WTC-related health condition for certified-eligible WTC survivors.

''(c) LIMITATION.—

''(1) IN GENERAL.—The WTC Program Administrator shall limit benefits for any fiscal year under subsection (a) in a manner so that payments under this section for such fiscal year do not exceed the amount specified in paragraph (2) for such fiscal year.

''(2) LIMITATION.—The amount specified in this paragraph for—

''(A) the last calendar quarter of fiscal year 2011 is $5,000,000;

''(B) fiscal year 2012 is $20,000,000; or

''(C) a succeeding fiscal year is the amount specified in this paragraph for the previous fiscal year increased by the annual percentage increase in the medical care component of the consumer price index for all urban consumers.

''PART 3—PAYOR PROVISIONS

''SEC. 3331. PAYMENT OF CLAIMS.

''(a) IN GENERAL.—Except as provided in subsections (b) and (c), the cost of monitoring and treatment benefits and initial health evaluation benefits provided under parts 1 and 2 of this subtitle shall be paid for by the WTC Program from the World Trade Center Health Program Fund.

''(b) WORKERS' COMPENSATION PAYMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), payment for treatment under parts 1 and 2 of this subtitle of a WTC-related health condition of an individual that is work-related shall be reduced or recouped to the extent that the WTC Program Administrator determines that payment has been made, or can reasonably be expected to be made, under a workers' compensation law or plan of the United States, a State, or a locality, or other work-related injury or illness benefit plan of the employer of such individual, for such treatment. The provisions of clauses (iii), (iv), (v), and (vi) of paragraph (2)(B) of section 1862(b) of the Social Security Act and paragraphs (3) and (4) of such section shall apply to the recoupment under this subsection of a payment to the WTC Program (with respect to a workers' compensation law or plan, or other work-related injury or illness plan of the employer involved, and such individual) in the same manner as such provisions apply to the reimbursement of a payment under section 1862(b)(2) of such Act to the Secretary (with respect to such a law or plan and an individual entitled to benefits under title XVIII of such Act) except that any reference in such paragraph (4) to payment rates under title XVIII of the Social Security Act shall be deemed a reference to payment rates under this title.

''(2) EXCEPTION.—Paragraph (1) shall not apply for any quarter, with respect to any workers' compensation law or plan, including line of duty compensation, to which New York City is obligated to make payments, if, in accordance with terms specified under the contract under subsection (d)(1)(A), New York City has made the full payment required under such contract for such quarter.

''(3) RULES OF CONSTRUCTION.—Nothing in this title shall be construed to affect, modify, or relieve any obligations under a worker's compensation law or plan, other work-related injury or illness benefit plan of an employer, or any health insurance plan.

''(c) HEALTH INSURANCE COVERAGE.—

''(1) IN GENERAL.—In the case of an individual who has a WTC-related health condition that is not work-related and has health coverage for such condition through any public or private health plan (including health benefits under title XVIII, XIX, or XXI of the Social Security Act) the provisions of section 1862(b) of the Social Security Act shall apply to such a health plan and such individual in the same manner as they apply to group health plan and an individual entitled to benefits under title XVIII of such Act pursuant to section 226(a) of such Act. Any costs for items and services covered under such plan that are not reimbursed by such health plan, due to the application of deductibles, copayments, coinsurance, other cost sharing, or otherwise, are reimbursable under this title to the extent that they are covered under the WTC Program. The program under this title shall not be treated as a legally liable party for purposes of applying section 1902(a)(25) of the Social Security Act.

''(2) RECOVERY BY INDIVIDUAL PROVIDERS.—Nothing in paragraph (1) shall be construed as requiring an entity providing monitoring and treatment under this title to seek reimbursement under a health plan with which the entity has no contract for reimbursement.

''(3) MAINTENANCE OF REQUIRED MINIMUM ESSENTIAL COVERAGE.—No payment may be made for monitoring and treatment under this title for an individual for a month (beginning with July 2014) if with respect to such month the individual—

''(A) is an applicable individual (as defined in subsection (d) of section 5000A of Internal Revenue Code of 1986) for whom the exemption under subsection (e) of such section does not apply; and

''(B) is not covered under minimum essential coverage, as required under subsection (a) of such section.

''(d) REQUIRED CONTRIBUTION BY NEW YORK CITY IN PROGRAM COSTS.—

''(1) CONTRACT REQUIREMENT.—

''(A) IN GENERAL.—No funds may be disbursed from the World Trade Center Health Program Fund under section 3351 unless New York City has entered into a contract with the WTC Program Administrator under which New York City agrees, in a form and manner specified by the Administrator, to pay the full contribution described in subparagraph (B) in accordance with this subsection on a timely basis, plus any interest owed pursuant to subparagraph (E)(i). Such contract shall specify the terms under which New York City shall be considered to have made the full payment required for a quarter for purposes of subsection (b)(2).

''(B) FULL CONTRIBUTION AMOUNT.—Under such contract, with respect to the last calendar quarter of fiscal year 2011 and each calendar quarter in fiscal years 2012 through 2018 the full contribution amount under this subparagraph shall be equal to 10 percent of the expenditures in carrying out this title for the respective quarter and with respect to calendar quarters in fiscal years 2019 and 2020, such full contribution amount shall be equal to 1/9 of the Federal expenditures in carrying out this title for the respective quarter.

''(C) SATISFACTION OF PAYMENT OBLIGATION.—The payment obligation under such contract may not be satisfied through any of the following:

''(i) An amount derived from Federal sources.

''(ii) An amount paid before the date of the enactment of this title.

''(iii) An amount paid to satisfy a judgment or as part of a settlement related to injuries or illnesses arising out of the September 11, 2001, terrorist attacks.

''(D) TIMING OF CONTRIBUTION.—The payment obligation under such contract for a calendar quarter in a fiscal year shall be paid not later than the last day of the second succeeding calendar quarter.

''(E) COMPLIANCE.—

''(i) INTEREST FOR LATE PAYMENT.—If New York City fails to pay to the WTC Program Administrator pursuant to such contract the amount required for any calendar quarter by the day specified in subparagraph (D), interest shall accrue on the amount not so paid at the rate (determined by the Administrator) based on the average yield to maturity, plus 1 percentage point, on outstanding municipal bonds issued by New York City with a remaining maturity of at least 1 year.

''(ii) RECOVERY OF AMOUNTS OWED.—The amounts owed to the WTC Program Administrator under such contract shall be recoverable by the United States in an action in the same manner as payments made under title XVIII of the Social Security Act may be recoverable in an action brought under section 1862(b)(2)(B)(iii) of such Act.

''(F) DEPOSIT IN FUND.—The WTC Program Administer shall deposit amounts paid under such contract into the World Trade Center Health Program Fund under section 3351.

''(2) PAYMENT OF NEW YORK CITY SHARE OF MONITORING AND TREATMENT COSTS.—With respect to each calendar quarter for which a contribution is required by New York City under the contract under paragraph (1), the WTC Program Administrator shall—

''(A) provide New York City with an estimate of such amount of the required contribution at the beginning of such quarter and with an updated estimate of such amount at the beginning of each of the subsequent 2 quarters;

''(B) bill such amount directly to New York City; and

''(C) certify periodically, for purposes of this subsection, whether or not New York City has paid the amount so billed.

Such amount shall initially be estimated by the WTC Program Administrator and shall be subject to adjustment and reconciliation based upon actual expenditures in carrying out this title.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing the WTC Administrator, with respect to a fiscal year, to reduce the numerical limitation under section 3311(a)(4) or 3321(a)(3) for such fiscal year if New York City fails to comply with paragraph (1) for a calendar quarter in such fiscal year.

''(e) WORK-RELATED DESCRIBED.—For the purposes of this section, a WTC-related health condition shall be treated as a condition that is work-related if—

''(1) the condition is diagnosed in an enrolled WTC responder, or in an individual who qualifies as a certified-eligible WTC survivor on the basis of being a rescue, recovery, or cleanup worker; or

''(2) with respect to the condition the individual has filed and had established a claim under a workers' compensation law or plan of the United States or a State, or other work-related injury or illness benefit plan of the employer of such individual.

"SEC. 3332. ADMINISTRATIVE ARRANGEMENT AUTHORITY.

''The WTC Program Administrator may enter into arrangements with other government agencies, insurance companies, or other third-party administrators to provide for timely and accurate processing of claims under sections 3312, 3313, 3322, and 3323.

"Subtitle C—Research Into Conditions

"SEC. 3341. RESEARCH REGARDING CERTAIN HEALTH CONDITIONS RELATED TO SEPTEMBER 11 TERRORIST ATTACKS.

''(a) IN GENERAL.—With respect to individuals, including enrolled WTC responders and certified-eligible WTC survivors, receiving monitoring or treatment under subtitle B, the WTC Program Administrator shall conduct or support—

''(1) research on physical and mental health conditions that may be related to the September 11, 2001, terrorist attacks;

''(2) research on diagnosing WTC-related health conditions of such individuals, in the case of conditions for which there has been diagnostic uncertainty; and

''(3) research on treating WTC-related health conditions of such individuals, in the case of conditions for which there has been treatment uncertainty.

The Administrator may provide such support through continuation and expansion of research that was initiated before the date of the enactment of this title and through the World Trade Center Health Registry (referred to in section 3342), through a Clinical Center of Excellence, or through a Data Center.

''(b) TYPES OF RESEARCH.—The research under subsection (a)(1) shall include epidemiologic and other research studies on WTC-related health conditions or emerging conditions—

''(1) among enrolled WTC responders and certified-eligible WTC survivors under treatment; and

''(2) in sampled populations outside the New York City disaster area in Manhattan as far north as 14th Street and in Brooklyn, along with control populations, to identify potential for long-term adverse health effects in less exposed populations.

''(c) CONSULTATION.—The WTC Program Administrator shall carry out this section in consultation with the WTC Scientific/Technical Advisory Committee.

''(d) APPLICATION OF PRIVACY AND HUMAN SUBJECT PROTECTIONS.—The privacy and human subject protections applicable to research conducted under this section shall not be less than such protections applicable to research conducted or funded by the Department of Health and Human Services.

"SEC. 3342. WORLD TRADE CENTER HEALTH REGISTRY.

''For the purpose of ensuring ongoing data collection relating to victims of the September 11, 2001, terrorist attacks, the WTC Program Administrator shall ensure that a registry of such victims is maintained that is at least as comprehensive as the World Trade Center Health Registry maintained under the arrangements in effect as of April 20, 2009, with the New York City Department of Health and Mental Hygiene.

"Subtitle D—Funding

"SEC. 3351. WORLD TRADE CENTER HEALTH PROGRAM FUND.

''(a) ESTABLISHMENT OF FUND.—

''(1) IN GENERAL.—There is established a fund to be known as the World Trade Center Health Program Fund (referred to in this section as the 'Fund').

''(2) FUNDING.—Out of any money in the Treasury not otherwise appropriated, there shall be deposited into the Fund for each of fiscal years 2012 through 2020 (and the last calendar quarter of fiscal year 2011)—

''(A) the Federal share, consisting of an amount equal to the lesser of—

''(i) 90 percent of the expenditures in carrying out this title for the respective fiscal year (initially based on estimates, subject to subsequent reconciliation based on actual expenditures); or

''(ii)(I) $71,000,000 for the last calendar quarter of fiscal year 2011, $318,000,000 for fiscal year 2012, $354,000,000 for fiscal year 2013, $382,000,000 for fiscal year 2014, $431,000,000 for fiscal year 2015, $481,000,000 for fiscal year 2016, $537,000,000 for fiscal year 2017, $601,000,000 for fiscal year 2018, and $173,000,000 for fiscal year 2019; and

''(II) subject to paragraph (4), an additional $499,000,000 for fiscal year 2019 and $743,000,000 for fiscal year 2020; plus

''(B) the New York City share, consisting of the amount contributed under the contract under section 3331(d).

''(3) CONTRACT REQUIREMENT.—

''(A) IN GENERAL.—No funds may be disbursed from the Fund unless New York City has entered into a contract with the WTC Program Administrator under section 3331(d)(1).

''(B) BREACH OF CONTRACT.—In the case of a failure to pay the amount so required under the contract—

''(i) the amount is recoverable under subparagraph (E)(ii) of such section;

''(ii) such failure shall not affect the disbursement of amounts from the Fund; and

''(iii) the Federal share described in paragraph (2)(A) shall not be increased by the amount so unpaid.

''(4) AGGREGATE LIMITATION ON FUNDING BEGINNING WITH FISCAL YEAR 2019.—Beginning with fiscal year 2019, in no case shall the share of Federal funds deposited into the Fund under paragraph (2) for such fiscal year and previous fiscal years and quarters exceed the sum of the amounts specified in paragraph (2)(A)(ii)(I).

''(b) MANDATORY FUNDS FOR MONITORING, INITIAL HEALTH EVALUATIONS, TREATMENT, AND CLAIMS PROCESSING.—

''(1) IN GENERAL.—The amounts deposited into the Fund under subsection (a)(2) shall be available, without further appropriation, consistent with paragraph (2) and subsection (c), to carry out subtitle B and sections 3302(a), 3303, 3304, 3305(a)(2), 3305(c), 3341, and 3342.

''(2) LIMITATION ON MANDATORY FUNDING.—This title does not establish any Federal obligation for payment of amounts in excess of the amounts available from the Fund for such purpose.

''(3) LIMITATION ON AUTHORIZATION FOR FURTHER APPROPRIATIONS.—This title does not establish any authorization for appropriation of amounts in excess of the amounts available from the Fund under paragraph (1).

''(c) LIMITS ON SPENDING FOR CERTAIN PURPOSES.—Of the amounts made available under subsection (b)(1), not more than each of the following amounts may be available for each of the following purposes:

''(1) SURVIVING IMMEDIATE FAMILY MEMBERS OF FIREFIGHTERS.—For the purposes of carrying out subtitle B with respect to WTC responders described in section 3311(a)(2)(A)(ii)—

''(A) for the last calendar quarter of fiscal year 2011, $100,000;

''(B) for fiscal year 2012, $400,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(2) WTC HEALTH PROGRAM SCIENTIFIC/TECHNICAL ADVISORY COMMITTEE.—For the purpose of carrying out section 3302(a)—

''(A) for the last calendar quarter of fiscal year 2011, $25,000;

''(B) for fiscal year 2012, $100,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(3) EDUCATION AND OUTREACH.—For the purpose of carrying out section 3303—

''(A) for the last calendar quarter of fiscal year 2011, $500,000;

''(B) for fiscal year 2012, $2,000,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(4) UNIFORM DATA COLLECTION.—For the purpose of carrying out section 3304 and for reimbursing Data Centers (as defined in section 3305(b)(2)) for the costs incurred by such Centers in carrying out activities under contracts entered into under section 3305(a)(2)—

''(A) for the last calendar quarter of fiscal year 2011, $2,500,000;

''(B) for fiscal year 2012, $10,000,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(5) RESEARCH REGARDING CERTAIN HEALTH CONDITIONS.—For the purpose of carrying out section 3341—

''(A) for the last calendar quarter of fiscal year 2011, $3,750,000;

''(B) for fiscal year 2012, $15,000,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(6) WORLD TRADE CENTER HEALTH REGISTRY.—For the purpose of carrying out section 3342—

''(A) for the last calendar quarter of fiscal year 2011, $1,750,000;

''(B) for fiscal year 2012, $7,000,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.''.

TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

SEC. 201. DEFINITIONS.

Section 402 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in paragraph (6) by inserting '', or debris removal, including under the World Trade Center Health Program established under section 3001 of the Public Health Service Act, and payments made pursuant to the

settlement of a civil action described in section 405(c)(3)(C)(iii)'' after ''September 11, 2001'';

(2) by inserting after paragraph (6) the following new paragraphs and redesignating subsequent paragraphs accordingly:

''(7) CONTRACTOR AND SUBCONTRACTOR.—The term 'contractor and subcontractor' means any contractor or subcontractor (at any tier of a subcontracting relationship), including any general contractor, construction manager, prime contractor, consultant, or any parent, subsidiary, associated or allied company, affiliated company, corporation, firm, organization, or joint venture thereof that participated in debris removal at any 9/11 crash site. Such term shall not include any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center, on September 11, 2001, whether fee simple, leasehold or easement, direct or indirect.

''(8) DEBRIS REMOVAL.—The term 'debris removal' means rescue and recovery efforts, removal of debris, cleanup, remediation, and response during the immediate aftermath of the terrorist-related aircraft crashes of September 11, 2001, with respect to a 9/11 crash site.'';

(3) by inserting after paragraph (10), as so redesignated, the following new paragraph and redesignating the subsequent paragraphs accordingly:

''(11) IMMEDIATE AFTERMATH.—The term 'immediate aftermath' means any period beginning with the terrorist-related aircraft crashes of September 11, 2001, and ending on August 30, 2002.''; and

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

''(14) 9/11 CRASH SITE.—The term '9/11 crash site' means—

''(A) the World Trade Center site, Pentagon site, and Shanksville, Pennsylvania site;

''(B) the buildings or portions of buildings that were destroyed as a result of the terrorist-related aircraft crashes of September 11, 2001;

''(C) any area contiguous to a site of such crashes that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or building collapses (including the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured individuals); and

''(D) any area related to, or along, routes of debris removal, such as barges and Fresh Kills.''.

SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR COMPENSATION.

(a) INFORMATION ON LOSSES RESULTING FROM DEBRIS REMOVAL INCLUDED IN CONTENTS OF CLAIM FORM.—Section 405(a)(2)(B) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in clause (i), by inserting '', or debris removal during the immediate aftermath'' after ''September 11, 2001'';

(2) in clause (ii), by inserting ''or debris removal during the immediate aftermath'' after ''crashes''; and

(3) in clause (iii), by inserting ''or debris removal during the immediate aftermath'' after ''crashes''.

(b) EXTENSION OF DEADLINE FOR CLAIMS UNDER SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001.—Section 405(a)(3) of such Act is amended to read as follows:

''(3) LIMITATION.—

''(A) IN GENERAL.—Except as provided by subparagraph (B), no claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 407(a).

''(B) EXCEPTION.—A claim may be filed under paragraph (1), in accordance with subsection (c)(3)(A)(i), by an individual (or by a personal representative on behalf of a deceased individual) during the period beginning on the date on which the regulations are updated under section 407(b) and ending on December 22, 2031.''.

(c) REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.—Section 405(c)(3) of such Act is amended—

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

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

''(A) REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.—

''(i) TIMING REQUIREMENTS FOR FILING CLAIMS.—An individual (or a personal representative on behalf of a deceased individual) may file a claim during the period described in subsection (a)(3)(B) as follows:

''(I) In the case that the Special Master determines the individual knew (or reasonably should have known) before the date specified in clause (iii) that the individual suffered a physical harm at a 9/11 crash site as a result of the terrorist-related aircraft crashes of September 11, 2001, or as a result of debris removal, and that the individual knew (or should have known) before such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the date that is 2 years after such specified date.

''(II) In the case that the Special Master determines the individual first knew (or reasonably should have known) on or after the date specified in clause (iii) that the individual suffered such a physical harm or that the individual first knew (or should have known) on or after such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the last day of the 2-year period beginning on the date the Special Master determines the individual first knew (or should have known) that the individual both suffered from such harm and was eligible to file a claim under this title.

''(ii) OTHER ELIGIBILITY REQUIREMENTS FOR FILING CLAIMS.—An individual may file a claim during the period described in subsection (a)(3)(B) only if—

''(I) the individual was treated by a medical professional for suffering from a physical harm described in clause (i)(I) within a reasonable time from the date of discovering such harm; and

''(II) the individual's physical harm is verified by contemporaneous medical records created by or at the direction of the medical professional who provided the medical care.

''(iii) DATE SPECIFIED.—The date specified in this clause is the date on which the regulations are updated under section 407(a).''.

(d) CLARIFYING APPLICABILITY TO ALL 9/11 CRASH SITES.—Section 405(c)(2)(A)(i) of such Act is amended by striking ''or the site of the aircraft crash at Shanksville, Pennsylvania'' and inserting ''the site of the aircraft crash at Shanksville, Pennsylvania, or any other 9/11 crash site''.

(e) INCLUSION OF PHYSICAL HARM RESULTING FROM DEBRIS REMOVAL.—Section 405(c) of such Act is amended in paragraph (2)(A)(ii), by inserting ''or debris removal'' after ''air crash''.

(f) LIMITATIONS ON CIVIL ACTIONS.—

(1) APPLICATION TO DAMAGES RELATED TO DEBRIS REMOVAL.—Clause (i) of section 405(c)(3)(C) of such Act, as redesignated by subsection (c), is amended by inserting '', or for damages arising from or related to debris removal'' after ''September 11, 2001''.

(2) PENDING ACTIONS.—Clause (ii) of such section, as so redesignated, is amended to read as follows:

''(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title—

''(I) during the period described in subsection (a)(3)(A) unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 407(a); and

''(II) during the period described in subsection (a)(3)(B) unless such individual withdraws from such action by the date that is 90 days after the date on which the regulations are updated under section 407(b).''.

(3) SETTLED ACTIONS; AUTHORITY TO REINSTITUTE CERTAIN LAWSUITS.—Such section, as so redesignated, is further amended by adding at the end the following new clauses:

''(iii) SETTLED ACTIONS.—In the case of an individual who settled a civil action described in clause (i), such individual may not submit a claim under this title unless such action was commenced after December 22, 2003, and a release of all claims in such action was tendered prior to the date on which the James Zadroga 9/11 Health and Compensation Act of 2010 was enacted.

''(iv) AUTHORITY TO REINSTITUTE CERTAIN LAWSUITS.—In the case of a claimant who was a party to a civil action described in clause (i), who withdrew from such action pursuant to clause (ii), and who is subsequently determined to not be an eligible individual for purposes of this subsection, such claimant may reinstitute such action without prejudice during the 90-day period beginning after the date of such ineligibility determination.''.

SEC. 203. REQUIREMENT TO UPDATE REGULATIONS.

Section 407 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) by striking ''Not later than'' and inserting ''(a) IN GENERAL.—Not later than''; and

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

''(b) UPDATED REGULATIONS.—Not later than 90 days after the date of the enactment of the James Zadroga 9/11 Health and Compensation Act of 2010, the Special Master shall update the regulations promulgated under subsection (a) to the extent necessary to comply with the provisions of title II of such Act.''.

SEC. 204. LIMITED LIABILITY FOR CERTAIN CLAIMS.

Section 408(a) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by adding at the end the following new paragraphs:

''(4) LIABILITY FOR CERTAIN CLAIMS.—Notwithstanding any other provision of law, liability for all claims and actions (including claims or actions that have been previously resolved, that are currently pending, and that may be filed through December 22, 2031) for compensatory damages, contribution or indemnity, or any other form or type of relief, arising from or related to debris removal, against the City of New York, any entity (including the Port Authority of New York and New Jersey) with a property interest in the World Trade Center on September 11, 2001 (whether fee simple, leasehold or easement, or direct or indirect) and any contractors and subcontractors, shall not be in an amount that exceeds the sum of the following, as may be applicable:

''(A) The amount of funds of the WTC Captive Insurance Company, including the cumulative interest.

''(B) The amount of all available insurance identified in schedule 2 of the WTC Captive Insurance Company insurance policy.

''(C) As it relates to the limitation of liability of the City of New York, the amount that is the greater of the City of New York's insurance coverage or $350,000,000. In determining the amount of the City's insurance coverage for purposes of the previous sentence, any amount described in clauses (i) and (ii) shall not be included.

''(D) As it relates to the limitation of liability of any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center on September 11, 2001 (whether fee simple, leasehold or easement, or direct or indirect), the amount of all available liability insurance coverage maintained by any such entity.

''(E) As it relates to the limitation of liability of any individual contractor or subcontractor, the amount of all available liability insurance coverage maintained by such contractor or subcontractor on September 11, 2001.

''(5) PRIORITY OF CLAIMS PAYMENTS.—Payments to plaintiffs who obtain a settlement or judgment with respect to a claim or action to which paragraph (4)(A) applies, shall be paid solely from the following funds in the following order, as may be applicable:

''(A) The funds described in clause (i) or (ii) of paragraph (4)(A).

''(B) If there are no funds available as described in clause (i) or (ii) of paragraph (4)(A), the funds described in clause (iii) of such paragraph.

''(C) If there are no funds available as described in clause (i), (ii), or (iii) of paragraph (4)(A), the funds described in clause (iv) of such paragraph.

''(D) If there are no funds available as described in clause (i), (ii), (iii), or (iv) of paragraph (4)(A), the funds described in clause (v) of such paragraph.

''(6) DECLARATORY JUDGMENT ACTIONS AND DIRECT ACTION.—Any party to a claim or action to which paragraph (4)(A) applies may, with respect to such claim or action, either file an action for a declaratory judgment for insurance coverage or bring a direct action against the insurance company involved.''.

SEC. 205. FUNDING; ATTORNEY FEES.

Section 406 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in subsection (a), by striking ''Not later than'' and inserting ''Subject to the limitations under subsection (d), not later than'';

(2) in subsection (b)—

(A) by inserting ''in the amounts provided under subsection (d)(1)'' after ''appropriations Acts''; and

(B) by inserting ''subject to the limitations under subsection (d)'' before the period; and

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

''(d) LIMITATION.—

''(1) IN GENERAL.—The total amount of Federal funds paid for compensation under this title, with respect to claims filed on or after the date on which the regulations are updated under section 407(b), shall not exceed $8,400,000,000. Of such amounts, $4,200,000,000 shall be available to pay such claims during the 10-year period beginning on such date and $4,200,000,000 shall be available to pay such claims after such period.

''(2) PRO-RATION AND PAYMENT OF REMAINING CLAIMS.—

''(A) IN GENERAL.—With respect to the one-year period beginning on the date on which the first payment is made under this title for claims filed pursuant to the regulations updated under section 407(b), the Special Master shall examine the total number of such claims paid during such period and the amounts of the payments made for such claims to project the total number and amount of claims expected to be paid under this title during the 10-year period described in paragraph (1). If, based on such projection, the Special Master determines that there will be insufficient funds available under paragraph (1) to pay such claims during such 10-year period, beginning on the first day following such one-year period, the Special Master shall ratably reduce the amount of compensation due claimants under this title in a manner to ensure, to the extent possible, that—

''(i) all claimants who, before application of the limitation under the second sentence of paragraph (1), would have been determined to be entitled to a payment under this title during such 10-year period, receive a payment during such period; and

''(ii) the total amount of all such payments made during such 10-year period do not exceed the amount available under the second sentence of paragraph (1) to pay claims during such period.

''(B) PAYMENT OF REMAINDER OF CLAIM AMOUNTS.—In any case in which the amount of a claim is ratably reduced pursuant to subparagraph (A), on or after the first day after the 10-year period described in paragraph (1), the Special Master shall pay to the claimant the amount that is equal to the difference between—

''(i) the amount that the claimant would have been paid under this title during such period without regard to the limitation under the second sentence of paragraph (1) applicable to such period; and

''(ii) the amount the claimant was paid under this title during such period.

''(e) ATTORNEY FEES.—

''(1) IN GENERAL.—Notwithstanding any contract, and except as provided in paragraphs (2) and (3), the representative of an individual may not charge, for services rendered in connection with the claim of an individual under this title, more than 10 percent of an award made under this title on such claim.

''(2) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of an individual who was charged a legal fee in connection with the settlement of a civil action described in section 405(c)(3)(C)(iii), the representative of the individual may not charge any amount for compensation for services rendered in connection with a claim filed under this title.

''(B) EXCEPTION.—If the legal fee charged in connection with the settlement of a civil action described in section 405(c)(3)(C)(iii) of an individual is less than 10 percent of the aggregate amount of compensation awarded to such individual through such settlement and the claim of the individual under this title, the representative of such individual may charge an amount for compensation for services rendered in connection with such claim under this title to the extent that such amount charged is not more than—

''(i) 10 percent of such aggregate amount, minus

''(ii) the total amount of all legal fees charged for services rendered in connection with such settlement.

''(3) EXCEPTION.—With respect to a claim made on behalf of an individual for whom a lawsuit was filed in the Southern District of New York prior to January 1, 2009, in the event that the representative believes in good faith that the fee limit set by paragraph (1) or (2) will not provide adequate compensation for services rendered in connection with such claim because of the substantial amount of legal work provided on behalf of the claimant (including work performed before the enactment of this legislation), application for greater compensation may be made to the Special Master. Upon such application, the Special Master may, in his or her discretion, award as reasonable compensation for services rendered an amount greater than that allowed for in paragraph (1). Such fee award will be final, binding, and non-appealable.''.

TITLE III—LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS; TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

SEC. 301. LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.

(a) IN GENERAL.—Section 894 of the Internal Revenue Code of 1986 (relating to income affected by treaty) is amended by adding at the end the following new subsection:

''(d) LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.—

''(1) IN GENERAL.—In the case of any deductible related-party payment, any withholding tax imposed under chapter 3 (and any tax imposed under subpart A or B of this part) with respect to such payment may not be reduced under any treaty of the United States unless any such withholding tax would be reduced under a treaty of the United States if such payment were made directly to the foreign parent corporation.

''(2) DEDUCTIBLE RELATED-PARTY PAYMENT.—For purposes of this subsection, the term 'deductible related-party payment' means any payment made, directly or indirectly, by any person to any other person if the payment is allowable as a deduction under this chapter and both persons are members of the same foreign controlled group of entities.

''(3) FOREIGN CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'foreign controlled group of entities' means a controlled group of entities the common parent of which is a foreign corporation.

''(B) CONTROLLED GROUP OF ENTITIES.—The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), except that—

''(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

''(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

''(4) FOREIGN PARENT CORPORATION.—For purposes of this subsection, the term 'foreign parent corporation' means, with respect to any deductible related-party payment, the common parent of the foreign controlled group of entities referred to in paragraph (3)(A).

''(5) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as are necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provide for—

''(A) the treatment of two or more persons as members of a foreign controlled group of entities if such persons would be the common parent of such group if treated as one corporation, and

''(B) the treatment of any member of a foreign controlled group of entities as the common parent of such group if such treatment is appropriate taking into account the economic relationships among such entities.''.

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

SEC. 302. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 3 percentage points.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

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. The bill shall be debatable for 1 hour, with 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from California (Mr. WAXMAN) and the gentleman from Texas (Mr. BARTON) each will control 15 minutes. The gentleman from New York (Mr. NADLER) and the gentleman from Texas (Mr. SMITH) each will control 10 minutes. The gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the James Zadroga 9/11 Health and Compensation Act.

On September 11, 2001, al Qaeda orchestrated the deadliest terrorist attack in American history, killing almost 3,000 people and wounding thousands more. The attacks created an environmental nightmare as hundreds of tons of every contaminant known to man and woman came into the streets and the canyons of Manhattan and Brooklyn.

□ 1310

You can see pictures of this in front of us. Into this toxic crowd ran firefighters and police and other first responders. First responders came from all 50 States to aid in the rescue and cleanup of the subsequent days. The Environmental Protection Agency, the EPA, despite ample evidence to the contrary, kept falsely proclaiming that the air was safe to breathe. It wasn't. The terrorists caused the environmental catastrophe, but the Federal Government compounded the damage by telling people that the environment was safe when it wasn't, and now thousands of people are sick and in need of special care.

We have a moral obligation to treat those who became ill, and that is what this bill is all about. For 8 years, Representative MALONEY and I, supported in a bipartisan basis by the New York delegation and others, have worked to bring this bill to the floor. Now it is finally time to pass it.

Time and again as we moved this bill through the legislative process, we have adjusted it, reduced its size and scope, limited its cost, and made concessions to broaden the coalition and lower the cost to the taxpayers. We worked with our colleagues on the other side of the aisle to reopen the Victim Compensation Fund in a responsible way in order to protect contractors from liability so they would not find they sacrificed their businesses to serve their country. We even agreed to cap attorney's fees.

On the Victim Compensation Fund, this House, indeed this Congress, passed the Victim Compensation Fund almost unanimously a week or two after 9/11. Unfortunately, people who should have been compensated by that fund could not be because their sicknesses did not become evident until after the fund closed.

Had we known that they would become ill, we certainly would have included them unanimously. That is why Ken Feinberg, testifying before the Judiciary Committee, urged us to reopen the fund, which is one-half of this bill.

Feinberg said in March of last year, ''It is truly ironic that many of these very individuals who have filed lawsuits seeking compensation are the same type of individuals who received payments from the 9/11 fund. Had these individuals manifested a physical injury before the 9/11 fund expired, they too would have received compensation without litigating.''

He went on to say, ''Reenacting the law establishing the Federal September 11th Victim Compensation Fund for an additional period of years in order to provide the same public compensation to eligible physical claimants could be justified on grounds of basic fairness.'' Now is our chance to right that wrong and provide that basic fairness of which he speaks.

I know that some Members are concerned about the cost of providing the Victim Compensation Fund assistance and the health care for the survivors and first responders. Let me emphasize: This bill is fiscally responsible and balances the needs of our 9/11 heroes with fiscal restraints.

It is completely paid for. We have achieved this by closing a tax loophole which allows foreign companies to evade U.S. taxes. Second, we have capped the funding level, capped the number of people who can participate, and capped the number of years the program can continue. We have consistently worked to reduce its cost, and in the month of July alone we brought the cost of this bill down an additional $3 billion.

Now let me appeal to my colleagues on the other side of the aisle. I understand that some may have a problem with the offset, even though it is not aimed at U.S. companies and is simply designed to improve withholding of taxes that are legally due. I understand.

But I have to ask this: Just consider for a moment what we are talking about. Balance that tax rate against the needs of our 9/11 heroes, needs that are so great, so raw, and so obvious, and let our moral obligation to the heroes of 9/11, our obligation, as Lincoln said, ''to care for him who shall have borne the battle,'' prevail. Let us do the honorable thing and vote for this bill.

Mr. Speaker, the choice is simple. I will be voting today for the firefighters, for the police, for the first responders, for the survivors of the attacks. I urge every Member of the house to do the same.

I want to thank Congresswoman MALONEY, Congressman KING, the New York delegation, the Speaker, the majority leader, the chairmen of the various committees, subcommittee chairs PALLONE and LOFGREN, and all the organizations like the State AFL–CIO from New York, the International Association of Firefighters, and the National Association of Police Organizations for their invaluable support for this bill.

Mr. Speaker, my colleagues, do the right thing. Do the moral thing. Do the only moral thing. Vote for this bill.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are guests of the House, and any manifestation of approval or disapproval of the proceedings is a violation of the rules of the House.

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

Mr. Speaker, this bill presents a sensitive issue with regard to compensation for those who are suffering ailments as a result of the recovery and cleanup efforts at the World Trade Center site. No doubt there are many with legitimate claims as a result of their efforts at Ground Zero. However, this legislation as written creates a huge $8.4 billion slush fund paid for by taxpayers that is open to abuse, fraud, and waste. That is because the legislation creates an inexplicable and unprecedented 21-year long fund.

The case of the bill's namesake, James Zadroga, is indicative of the problems with this bill. Rather than finding that Detective Zadroga's death was the result of exposure to Ground Zero dust, the New York City medical examiner concluded that, ''It is our unequivocal opinion, with certainty beyond doubt, that the foreign material

in Detective Zadroga's lungs did not get there as a result of inhaling dust at the World Trade Center or elsewhere.'' So the bill is deceptive, starting with its title.

The danger here is not simply the occasional unsupported claim, as in the case of Detective Zadroga, but the creation of a massive and expensive compensation system that will be subject to pervasive problems over the unprecedented 21 years it will be open to claimants.

The legislation also vastly extends the geographic scope of the fund to cover ''routes of debris removal.'' This will result in the potential for a huge number of additional claimants with tenuous connections between their medical problems and the cleanup efforts at Ground Zero.

The bill allows claims to be filed until the year 2031, an unjustifiable length of time. As Ken Feinberg, Special Master of the original 9/11 fund and the administrator of the BP oil spill claims process stated, ''no latent claims need such an extended date.''

Additionally, the bill permits those who have settled their lawsuits to reopen their claims and seek additional taxpayer-funded compensation through the 9/11 fund. This is contrary to both the terms of the original 9/11 fund and to normal legal principles regarding final settlements.

By greatly expanding the fund's eligibility criteria, these proposed changes not only will increase the cost of the fund, but will present more opportunities for fraud and abuse of taxpayer dollars.

Also the bill does little, if anything, to limit the special master's unbounded authority. The amount of discretion given to the Special Master may have been acceptable under the original 9/11 fund because it was designed to compensate a limited number of claimants with relatively noncontroversial claims as soon as possible. However, this amount of discretion will not work for the 21-year-long fund created by this bill with its larger set of potential claimants who have injuries with more ambiguous causation. If nothing else, this structure will be an open invitation for spurious claims.

The original 9/11 fund was an understandable expression of a nation's compassion and generosity following the deaths of thousands of innocent people. It was designed to settle the claims of those covered once and for all. Maybe that claim should be reopened to protect the construction contractors from the financially ruinous litigation they now face. But if we are going to reopen the funds, we should do so in a much more narrow way, with far less discretion for the Special Master than that provided for in H.R. 847.

It is hard to explain spending billions of additional taxpayer dollars when Special Master Ken Feinberg has emphatically stated that the $1.5 billion in taxpayer money, charitable contributions, and insurance coverage currently available for distribution is ''more than sufficient to pay all eligible claims, as well as lawyers' fees and costs.''

Why does Congress continue to overreach and consider taxpayers to be their personal slush fund? There is no excuse for this kind of legislation, and I hope thoughtful Members will want to oppose the bill.

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

□ 1320

Mr. NADLER of New York. Mr. Speaker, I yield 1 minute to the distinguished chairperson of the House Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman for yielding.

I am proud to rise in support of the men and women who risked their lives for their fellow citizens following the attacks on September 11. On that day in 2001, tens of thousands of Americans raced to rescue those injured in the terrorist attacks. In the course of the work that day and the days following, they were exposed to dangerous toxins and physical hazards. After giving so much of themselves, many of the firefighters, police officers, and bystanders face serious respiratory, gastrointestinal, and mental health conditions. While Ground Zero is 7 hours away from my own district in Rochester, the New Yorkers banded together as they joined the chorus of Americans asking how we could help. Just the other day, I talked to a captain of the Niagara Falls Fire Company who broke his leg at Ground Zero in an effort to rescue those trapped under rubble, many of western New Yorkers who answered the call to serve.

We recently observed the anniversary of the 9/11 terrorist attacks, and we can't forget those who risked everything to help the victims at Ground Zero. For this reason, I support H.R. 847, the 9/11 Health and Compensation Fund.

Mr. SMITH of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER of New York. Mr. Speaker, I now yield 1 minute to the gentleman from New York (Mr. MAFFEI).

Mr. MAFFEI. I thank my distinguished colleague from New York.

September 11, 2001, it's a day we will never forget. Many people lost family members and neighbors, but alongside the sorrow and loss, we witnessed incredible acts of heroism and bravery. Thousands of emergency responders and volunteers risked their lives and came to our country's aid when we needed them most. Many of them were my constituents, even though I'm from upstate New York. Many came down in the months following and the weeks following.

Thomas Kwasnaza from Marietta, New York, was one of the heroes that day. He was working as a police officer on 9/11, and he actually trained with James Zadroga, who was one of the first NYPD officers whose death is attributed to toxic chemicals.

Mr. Speaker, on that day Members of Congress and all Americans alike, Republicans and Democrats, pledged to do anything we could—anything we could—for the victims, their families, and the rescuers who went in after them. We didn't say we would do anything as long as it doesn't cost too much. We didn't say we would do anything as long as there was no chance that an undocumented worker could possibly benefit. We didn't say we would do anything as long as it protects offshore companies that get away with sheltering their taxes. We said we would do anything. And that's what we have to do.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members shall heed the gavel.

Mr. SMITH of Texas. Mr. Speaker, may I ask how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 5 minutes remaining. The gentleman from New York has 3 minutes remaining.

Mr. SMITH of Texas. Mr. Speaker, I am prepared to close on this side; so at the appropriate time I will do so. Meanwhile, I reserve the balance of my time.

Mr. NADLER of New York. Mr. Speaker, I now yield 1 minute to the gentleman from New York (Mr. MCMAHON).

Mr. MCMAHON. I just want to be very clear that we all owe a great debt of gratitude to Congress Members MALONEY and NADLER from New York for their leadership on this issue.

Mr. Speaker, my district of Staten Island was particularly hard hit from the 9/11 attacks. Nearly 300 of my constituents were murdered, including one-third of the firefighters killed on that day, and sick today are those uniformed and hard hat-wearing heroes—the operating engineers, the laborers, the steelworkers, ironworkers, and all the volunteers and residents.

When I think about why we need this law, I think about Marty Fullam, a 30-year veteran FDNY lieutenant from Staten Island, who spent weeks going through toxic debris in the wake of 9/11, and years later his doctors confirmed his illness related thereto. He was told he would die without a new lung. And while he ultimately received a new lung earlier this year, his health continues to suffer. The last time he was here in July to fight for this bill, he actually made his condition worse. And he continues to recover from that. Our thoughts go out to him and his wife, Trish, and their daughters.

Despite their deteriorating health, many first responders like Marty send this message. For that reason, Mr. Speaker, we must pass this bill. We must pass this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair requests that all Members respect the gavel.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this legislation represents an irresponsible overreach and does not contain the protections necessary to safeguard valuable taxpayer dollars from abuse, waste, and fraud. Ken Feinberg, Special Master of the original 9/11 Fund, testified twice before the Judiciary Committee on this legislation. Both times Mr. Feinberg advocated reenacting the 9/11 fund, but doing so on a much more limited basis than is done in this legislation. Why are we ignoring his advice?

Mr. Feinberg stated that if the fund is reenacted, it should be for ''a window of 5 years,'' not 21, and that it should be done with ''the understanding that there would be no changes in the rules and regulations governing the original fund and that the new law would simply be a 'one line' reaffirmation of the original 9/11 fund.'' Mr. Feinberg warned that ''any attempt to modify the statutory provisions and accompanying regulations of the original fund will undercut political consensus.''

Unfortunately, Mr. Feinberg's sound advice was ignored there, too. Instead, we are considering a bill that creates a fund with an unnecessary 21-year long duration and that contains special protections for trial lawyers; unnecessarily extends the original fund's eligibility criteria; and does not include the protections necessary to safeguard the fund from abuse, waste, and fraud. This is another example of Congress' insatiable appetite for the taxpayers' hard-earned dollars. I urge my colleagues to vote ''no'' on this bill.

I yield back the balance of my time.

Mr. NADLER of New York. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from New York has 2 minutes remaining.

Mr. NADLER of New York. Mr. Speaker, I then yield the balance of my time to my partner for the last 6 years on this bill, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for his leadership and for yielding and for his hard work for 6 years. It took us 4 years in college, and it has been 6 years on this bill. The time to pass the James Zadroga 9/11 Health and Compensation Act is now. It is bipartisan. It is patriotic. And it is overwhelmingly supported by Americans across this country.

James Zadroga's father is with us today, as well as many hardworking men and women who worked on that pile, who selflessly risked their health and their lives to help others. And I thank the New York State AFL–CIO'S Dennis Hughes and Suzie Ballentine; the firefighters and fire officers who are here with us today, Al Hagen and Steve Cassidy; the police, Pat Lynch; the laborers, the construction workers; D.C. 37, Lee Clark, Mike McIntyre, John Feal. Many of you have received praise for your work, but many of you have said all you want is your health care.

An estimated 36,000 Americans have received treatment for illnesses as a direct result of 9/11. Those who are suffering come from all of our 50 States and 428 of the 435 congressional districts nationwide were represented at 9/11. Here is a map of locations in Florida and in California where health care providers have provided medical services to 9/11 responders. Nearly every Member of this House of Representatives have people that worked there. And they are losing their health.

Thousands of people lost their lives 9 years ago, but thousands and thousands more lost their health. This is not an entitlement. This is a responsibility to take care of those who took care of us when our country was attacked.

Mr. Speaker, I would ask people to go to our Web site that outlines the participants from across this country and all of our congressional districts.

It is now time for this Congress to do what we should have done long ago: provide proper care for those who lost their health because of 9/11.

We have a moral obligation to help those who were harmed by the attacks on America.

In the spirit of patriotism and common purpose Congress showed the world in the aftermath of the 9/11 attacks, and for the sake of the thousands of 9/11 first responders and survivors who are suffering, I implore my colleagues to vote ''yes'' on this legislation.

□ 1330

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BARTON) each will control 15 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I rise in strong support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010. This important legislation was reported by the Energy and Commerce Committee with bipartisan support on May 25 by a vote of 33–12.

I would like to take a moment to thank the bill's sponsors, Representative CAROLYN MALONEY and JERRY NADLER; as well as my colleagues from New York on the committee, ELIOT ENGEL and ANTHONY WEINER, for their tireless work on behalf of this legislation.

Now, beyond the immediate loss of life on September 11, today, thousands of people are suffering debilitating illnesses from its aftermath. H.R. 847 would establish the World Trade Center Health Program, a program to screen, monitor and treat eligible responders and survivors who are suffering from World Trade Center-related diseases, most commonly from the massive toxic dust cloud that enveloped lower Manhattan. The bill also funds research to improve our understanding of the health effects of the exposures over time.

Federal spending for the WTC Health Program is capped at $3.2 billion and is fully paid for. The version before the House today is more than $1 billion less expensive than that reported with bipartisan support from the Energy and Commerce Committee.

Mr. Speaker, Congress must ensure that the appropriate resources are available to take care of those who risked their own lives to save others on September 11, so I urge my colleagues to pass the bill.

I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 5 minutes.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise in respectful but sincere opposition to the pending bill. I have no disrespect for the victims or for the namesake's sponsor and his family, but I also have a sincere regard for the United States taxpayer, who is going to have to pay for this new entitlement program.

The first myth that I want to relate is the implication that we don't have an existing victims' compensation fund. That is simply not true, Mr. Speaker. Twelve days after the attack back in September of 2001, we passed Public Law 107–42, the Victim Compensation Fund of 2001. We gave 2 years, or a year and a half, for people to submit claims, and 97 percent of the eligible victims or their families filed injury or death claims by December 22, 2003. Of the 2,973 victims, 2,880 families filed claims. The average award for the families of the victims actually killed in the attack averaged $2 million per victim while 70 people chose to file lawsuits and 23 eligible families took no action. In addition to death claims, 2,680 injury claims have been filed and processed. The average award for injured victims is nearly $400,000 per injury. Overall, this fund has paid out over $7 billion in the last 9 years.

We also passed the Victims of Terrorism Tax Relief Act back in 2001 so that the families of the victims would not be subject to Federal income taxes for the year of the attack and also for the previous year to the attack.

We currently have an existing 9/11 benefit program. President Obama requested $150 million for this budget year. In the years that this program has been in existence, in addition to the program I just explained, it has paid out $373 million.

As of September 30 of last year, there have been 55,331 first responders in the monitoring and treatment programs that I have just discussed. Of those, 44,754 have received initial exams, and 13,000 have been treated for World Trade Center-related health conditions in the past 12 months alone.

So, in point of fact, we have an existing fund that has paid out over $7 billion. We have an ongoing fund. The President has asked for $150 million per year, which the Republicans support.

On top of that, we are expected to vote for this new entitlement program, which is over $7 billion.

My good friend from New Jersey said that it is going to save $1 billion over the bill that was reported out of the Energy and Commerce Committee several months ago. What he doesn't tell you is the way they do that, which is by using a budget gimmick that simply doesn't fund the program in the year 2019. In fiscal year 2018, the amount provided in the bill would be $601 million. In 2019, that drops to $173 million. In fiscal year 2020, there is no funding at all. So they have simply decided that, at a date certain, they would start reducing the amount of money so they could get under their self-imposed budget window.

Mr. Speaker, we want to help the victims of 9/11 in New York City. We certainly want to help the first responders. What we don't want to do is put on the average American taxpayers all around the country a $7 billion to $8 billion brand new entitlement program that compensates at health care/Medicare rates of 140 percent above the baseline. As Congressman SMITH just pointed out, it reopens some of these lawsuits and some of these cases that have already been solved.

So, if you want help, we are willing to help, but let's use the existing program. Let's not create a new program, especially a new entitlement program, which we simply cannot afford at this point in time.

Mr. Speaker, I ask unanimous consent that the gentleman from Illinois (Mr. SHIMKUS), the ranking member of the Health Subcommittee, be given the opportunity to control the balance of the time for the Energy and Commerce Committee's minority.

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

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL), who has been a champion on this legislation and who also managed it through the Rules Committee yesterday.

Mr. ENGEL. I thank my friend from New Jersey.

Mr. Speaker, I rise in strong support of this bill.

You know, I am going to try to speak from the heart. Those of us who represent districts in and around New York City all had constituents who died on 9/11. We all had friends who died on 9/11.

Remember after 9/11 how we all banded together as Americans? Remember singing ''God Bless America'' on the steps of the Capitol? Remember how it didn't matter if you were Democrat or Republican—we were all Americans that day, and we should all still be Americans above and beyond anything else?

I remember, on the Friday after the Tuesday attack, going with President Bush to Ground Zero, where he stood with a bullhorn and a fireman with him, where he pledged that there would be help forthcoming from the Federal Government. All we are asking now is to help these people who got sick—who were selfless, who didn't think of themselves, who responded, and who only wanted to try to help other people. They are now getting sick. They are now dying. They now need our help.

You know, it's not true, my friends, to say, Well, I'm for helping these people, but I'm not for this bill.

The bottom line is this: If you want to help the heroes of 9/11 and the first responders, you vote ''yes'' on the bill. If you don't want to help them and if you want to make excuses, you vote ''no'' on the bill. It's as simple as that. Yes or no. Yes or no.

Do we help the people who need our help now, those who responded on 9/11 when government officials told them that the air was clean and that it was okay to go down to Ground Zero, and they went there?

□ 1340

This is not a New York problem or a New Jersey problem or a Connecticut problem. This is an American problem. People are sick from 431 districts of the 435 districts, and who are we to turn our backs on them now?

So I beg my friends on both sides of the aisle, this is bipartisan. We're all American. Vote ''yes.''

Mr. SHIMKUS. Mr. Speaker, I yield 5 minutes to my colleague and friend, the gentleman from New York (Mr. KING).

Mr. KING of New York. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 847, and at the outset, let me commend my colleagues, CAROLYN MALONEY and JERRY NADLER, for the truly outstanding job they've done for all these years and for their directness and for their candor and for always being there when the tough decisions had to be made.

Let me also thank former Congressman Vito Fossella for the work that he did for a number of years when he was here in the Congress on this bill as well.

Let me commend the leadership in both parties. I commend the Democratic leadership for bringing this back up for a majority vote. I commend them for it. I know it's been tough. Some tough decisions had to be made, and they've made them. I thank them for that. I also thank the leadership for the Republican Party for working with a number of us to make sure that it would be a fair and open vote and debate here today. So I thank them for that.

Let me also say that all of us know this has been a long and tortuous route to get this bill to the House floor today. During that time, there's been frustration, tempers have flared, but also, probably most importantly, people have died, and that's what we have to keep in mind. This is a real human issue. We have people sitting here in the gallery today. Many of them have breathing problems. Many of them have pulverized glass in their lungs. Many have poisonous toxins in their bloodstream. So this is real. This is a real human issue.

And I share some of the concerns that Republicans have regarding, for instance, the funding stream, how this is going to be paid for. But the fact is, this is a good bill. We cannot allow the perfect to be the enemy of the good. It's more important to me, I believe, that we take care of those who are truly in need and we look at the bill in full perspective and in full view and keep that in mind. Keep in mind the victims, the men and women who went to Ground Zero on September 11 and stayed there for the days, weeks, and months afterward, and they were on that pile, and they're now suffering the most horrible diseases, diseases and illnesses which we see in our districts when we meet these people. We see them in the stores. We see them at ball games. We see them in church. So this, again, is for real.

So let's, today, try to have the debate as we are, I think, in a very civil way. Let's realize there are honest differences of opinions on both sides, but the reality is, the people in galleries, those who couldn't make it to the gallery today, they don't have the luxury of waiting another 1 year or 2 years or 3 years or 4 years.

I know that people on the Republican side have spoken about various programs that are available. The fact is this is such a unique type of disaster. The illnesses that have come from Ground Zero are very unique to Ground Zero, unfortunately. These are 9/11-type illnesses—the rarest types of cancer, the rarest types of blood disorders. It's essential we have a permanent registry so we will know exactly how these illnesses be treated, so that those in the other 430 districts around the country who could be suffering, for instance, from a cough, which a doctor may think is an innocent cough, will not realize it is a 9/11 cough; those who have symptoms which may otherwise be undetected, they will not realize how significant they are and how they could be directly related to 9/11.

And also, as far as whether or not this is an entitlement, or whatever term we want to use, the fact is, when it came to nuclear workers, Federal nuclear workers, we set up the exact same type of program. Call it entitlement, if you will. That program was set up to take care and compensate those who suffered serious illnesses resulting from their work in nuclear plants on nuclear projects.

As far as the issue of the Victims Compensation Fund and all those who were compensated, the fact is the people we are talking about today, the victims we are talking about today, were people who didn't realize their illness until after the deadline had expired, people who are today just finding out

about their illness. It's latent. It's in their bloodstreams. It's in their lungs. And back in 2003 when this program closed, virtually no one knew the extent of the illnesses and diseases that would stem from September 11.

The fact is they are there and they are getting worse and worse, and, as you know, Congressman WEINER just walked in, and he and I always haven't had the highest things to say about each other on the House floor. We're standing here together on this bill today. As he pointed out in the Energy and Commerce Committee hearing, the one thing we can be certain of is that the number of those who are entitled to take part in this program, that number is going to diminish. It is going to diminish because they're dying one by one. So let's keep that in mind.

Again, it goes to the heart of what we should be as a Congress, what we should be as Republicans and Democrats, what we should be as Americans. And those of us, we all stood together on September 11, and 9 years have gone by. And to many people it's something that happened a long time ago, but for those who are suffering today, it's something they live with every moment.

So, with that, I urge everyone to make this as much of a bipartisan vote as possible. Send a message to the country, send a message to the world, and send a message to the victims that they are not forgotten. And not only that, we're not giving them any charity. We're not giving them anything. We're just rewarding them what they're entitled to receive for them putting their lives on the line for us.

With that, I urge adoption of H.R. 847.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to remind all Members that remarks in debate may not call attention to visitors in the gallery.

Mr. PALLONE. Mr. Speaker, at this time, I would yield 1 minute to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman.

Mr. Speaker, in the weeks after 9/11, I remember colleagues from throughout the Congress approaching those of us who suffered loss and who lost constituents saying, What can I do to help? What do you need? How can I assist? Today, we're taking you up on your offer.

A few weeks ago, we commemorated the ninth anniversary of 9/11 and many people said the right prayers and they gave the right speeches, but now it's time to do the right thing.

To the gentlemen and gentlewomen from Louisiana, when the hurricane swept through, New Yorkers paid to rebuild Louisiana.

To the gentlemen and the gentlewomen from California, when the fires burned, New Yorkers ponied up to help California.

To the gentleman from Texas who spoke earlier today, when Hurricane Alex ripped through Texas, New Yorkers helped pay the bill for recovery.

And I want to be able to say to those gentlemen and gentlewomen that, when the terrorists came to New York, you were there for us, and not just New Yorkers who happened to be there that day, but the 11,000 people who are suffering and ill today.

They're not just New Yorkers. They're Americans living in your districts.

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

Mr. PALLONE. At this time, I yield 1 minute to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. Mr. Speaker, I thank the chairman for yielding.

I rise in strong support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act.

We cannot talk about the 9/11 attacks without remembering the first responders who answered that call that day and safeguard us here every day. Police officers, firefighters, EMTs, and ordinary American citizens rushed into crumbling buildings and then worked countless hours in the days and weeks that followed; and now, more than 9 years later, many of those courageous first responders are suffering from serious illnesses caused by inhaling toxic fumes and particles in air that they were told was clear and safe to breathe.

It is our patriotic duty to protect those who sacrificed for their fellow Americans. This is not a partisan issue. This is an issue of responsibility. Many of my constituents lost loved ones on that day, spent months combing through the rubble for remains, and are now suffering health problems as a result.

Let's honor those who selflessly returned to Ground Zero to save those they did not know by standing together and passing this bill.

Mr. SHIMKUS. I continue to reserve my time.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. This is the United States House of Representatives, the United States of America. This is an institution that I am proud to be a Member of, and there comes a point in time in our lives when we just simply must do the right thing, keeping our priorities straight.

This is a political body, but this is not a political issue. It should not be. It was not political when every man and woman went out to save and to sacrifice their own lives, in essence, on 9/11. They went out there not because they were Democrats or Republicans, they're black or white, they're from here or there. They went out there because this is the United States of America. This is the people's House. There comes a time for us not to be political but to take care of our own, and that's what this is all about.

□ 1350

Our own are sick. Our own are dying. And we, in the people's House, need to come to their aid and come to their aid now.

Mr. SHIMKUS. I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, can I just ask the gentleman from Illinois if he has any additional speakers?

I yield to the gentleman.

Mr. SHIMKUS. I don't think we do. I mean, I'm not trying to game you here on this process. I just don't think there are any more, and I would like to close.

Mr. PALLONE. Thank you.

I yield 1½ minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. I want to thank the gentleman for yielding.

Mr. Speaker, as is often the case with disasters, on 9/11 and in the weeks that followed, the best of America was on display. Neighborhoods came together to comfort and support one another. Communities in every corner of the country rallied together. In New York City, our brave first responders answered the call valiantly, putting their lives at risk to protect the rest of us.

Over the last 9 years, the full scope of this tragedy's health effects has become increasingly clear. Firefighters, police officers, EMTs, and rescue workers are all suffering respiratory problems. Even schoolchildren and those who work in the area have exhibited health problems. It is estimated that 36,000 people have sought treatment after being exposed to the toxic dust at the World Trade Center site. It is not just New Yorkers who are affected. Ten thousand people traveled from every State of the Union, including Puerto Rico and the territories, to assist in the aftermath of these attacks. Like all of America, these heroes were a diverse group, representing every age, race, religion, and even status. No one asked them for their citizenship status when they stepped in to help. They were all there, and they were all heroes.

This legislation will provide needed benefits for all those who are suffering from the toxins they were exposed to. This is the right thing to do. These brave individuals cast aside their own safety to assist their fellow human beings.

Mr. SHIMKUS. I continue to reserve the balance of my time, Mr. Speaker.

Mr. PALLONE. Mr. Speaker, I now yield 3 minutes to another champion of this bill from our committee, the gentleman from New York (Mr. WEINER).

Mr. WEINER. I thank the gentleman from New Jersey.

You know, I have heard some people describe this bill as an entitlement bill, as if people are lining up to get this benefit. Like someone would really want to be on the list of people eligible to get the money that's eligible under this bill to get the health care. The idea that someone would volunteer or be eager to get the benefits that, in order to get them, you have to have a stew of toxic dust in your lungs, so much that you can't breathe normally,

and you cough. And when you hear that 9/11 cough in New York, everyone knows it.

The idea that it's open-ended—no, it's actually a pretty close-ended program in the most final sense of the word, in that many people who have the illnesses that we are trying to treat with this legislation are dying. There are people in this Chamber who are watching these proceedings and those that are home who once upon a time were the most vigorous, fit people imaginable. And it was because of that vigor and that fitness that they went down to Ground Zero on September 11. They didn't ask to be chosen. They didn't fill out a form. They didn't even wear protective gear. They went down because they felt it was their obligation. They didn't just come from Lower Manhattan. They didn't just come from New York.

As I've said many times, if you were in New York the days after September 11, the streets were clogged with parked ambulances and firetrucks and cars, every license plate imaginable. Those people aren't asking for anything beyond just being able to cure the diseases that they got because they served. That's what this is about.

To my colleagues who oppose this, yeah, I imagine there are 100 different ways you can describe it and you can look at line 7 and page 6 and come up with some reason to be against it. But I would ask my colleagues to take a step back. And every single one of us on September 11 stood up in our districts and said, We are not going to forget the commitment that we made that day. Well, this is the moment. You can't stand up in your district on September 11 and say you won't forget, and have a red light next to your name today. It just doesn't wash. This is the day we repay our debts.

You want to call it an entitlement bill? Okay, they are entitled. They are entitled to our care. They are entitled to our respect. They are entitled to the health care that they need, and they're entitled to a ''yes'' vote today. Let's give it to them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

Mr. SHIMKUS. Mr. Speaker, may I ask for how much time is remaining and how many speakers my colleague from New Jersey has.

The SPEAKER pro tempore. The gentleman from Illinois has 5 minutes, and the gentleman from New Jersey has 4½ minutes.

Mr. PALLONE. At this point, I would just close myself, unless someone else comes down. So if you would like to close on our Energy and Commerce time, then I will follow you.

Mr. SHIMKUS. Mr. Speaker, I yield myself the balance of the time.

Our great friends from both sides of the aisle, our great friends from New York, it has been an interesting battle, one that is very tough to be engaged in. They are right. You know, the folks who responded need care. They need to be supported, and that's what we think we have been doing.

When we started marking up this bill, there was $130 million in the fund. That was still there, cash on hand. The President, in his budget, said, We can do better than that. We need $150 million. So that started the process of us deciding what did we need to do and how did we need to do it, especially from the funding perspective.

Now the entitlement debate is an interesting one to get involved in. I am a military veteran. I served actively for 5½ years. I served another 23 in the Reserves. The first line responders are heroes. But our men and women in uniform in Afghanistan, our men and women in Iraq, and our men and women around the world, they are heroes too. They don't have an entitlement program. They go through the regular authorization process. They go through the appropriation process. And you know what? When we go into the political battle, which we are coming upon, people attack folks about whether they are authorizing enough money or whether they are spending enough money. This is what happens here.

We can spin it any way we want, but that's part of our debate. Do you use the same process to authorize funding to fight for the money and spend the money? And we would say, We should use the same categories we do with our military veterans, that we should use the same process we use for our active military forces. Again, the President wanted $150 million. That's what we agreed upon. That's the amendment that we authorized in the marked-up bill. And some would argue and say, Gosh, there must be nothing being done. Nothing is being done. Well, we know that's not true. CDC has been before the committee twice, saying they have a list. They do have a registry. They are following up. In fact, as of September 30, the World Trade Center Program has enrolled 55,331 responders. There are 55,331 responders in the program now. It's not like we're not doing anything.

There are other issues with the bill. One of the concerns is, when the new health care law cuts money to hospitals under part A, about $150 billion in payments, the CMS actuary says, Guess what? Ten percent of all hospitals are going to close.

□ 1400

That is under the new health care bill. And it is rural hospitals that are the targets under the new health care law.

Well, this provides more money under Medicare to New York City hospitals, at 140 percent of Medicare payments. We only pay 70 percent of Medicare payments in this country as a whole. But under this law, we are going to provide New York hospitals 140 percent of Medicare costs. So there are real issues of concern here, and it is unfortunate because it didn't have to be this way.

All we asked for was the number that President Obama thought was good. He said $150 million. We said, fine, 20 million more than what the money was still in the fund at the time.

And we are also saying they are all heroes. The 9/11 responders are heroes. Let's treat them like our veterans. Let's treat them like our active military. Why should we have a double standard? Can't we fight for their authorizations on an annual basis like we do for our active military and for our veterans? Of course we can.

So, with that, Mr. Speaker, it is, again, unfortunate that we are in this position. We could have had a strong bipartisan bill. We don't have that. People will cast their votes, and they will be held accountable.

I yield back the balance of my time.

Mr. PALLONE. At this time I would like to yield 1 minute to the Speaker of the House and point out that if it wasn't for her efforts, we would not be here today moving this legislation.

Ms. PELOSI. I thank the gentleman, but I, in turn, want to salute Congressman PETER KING, Congresswoman CAROLYN MALONEY, Congressman JERRY NADLER, and the entire bipartisan New York delegation for giving us this opportunity today to do what is right and fair and just.

Mr. Speaker, in observance of 9/11 earlier this month, we stood on the steps of the Capitol, Democrats and Republicans alike, to honor the memory that we lost that day. As we were standing there, I was thinking back to my first visit to Ground Zero. When you went there at that time following the tragedy, you knew that when you stepped there you were walking on sacred ground. There was an incredible silence as the workers feverishly, feverishly tried to retrieve the remains of those who were lost, and just repair the damage that was done to clear the wreckage.

No pictures were allowed in recognition that we were on sacred ground. No photographs were allowed, and of course, silence was generally observed so that those who were working could hear each other as they quietly went about their very, very sad assignment.

They, and those who rushed to the scene in real time when it happened, risked their lives and their health to do so. They didn't ask any questions: Is anybody going to take care of me? They were there to help.

Again, back to the steps of the Capitol. When we were standing there earlier this month, I am sure Congresswoman MALONEY, Congressman NADLER, Congressman KING and others recall that many signs went up in the crowd that was gathered there. It said: ''Remember us next week.'' That was in anticipation that the bill might

come up the following week. Well, it is another week later. And we are here today to say that we do remember you this week. We remember what you did at the time. And it isn't only your sacrifice. It is the sacrifice of your families, of your health and the impact that that has on your family. You are community to New York, so there is the impact that it has on the community, and also the impact on our conscience to do what is right by those who we call heroes and we want to treat as such.

Today we remember all the heroes of 9/11. We praise the strength of thousands of firefighters, rescue workers, first responders and medical personnel who turned tragedy into inspiration and gave of themselves to help a city and our Nation rebuild.

We promised to help those who spent days, weeks and months doing the hard work our government and the American people expected them to do in the recovery effort. They went above and beyond the call of duty. We all know that. We all looked in frustration to think, if only we could help. But they were there. It was emotional, but it was professional. And we pledged to do everything in our power to ensure that their health and well-being would be taken care of. We did not want them to be unsung heroes. We wanted them to be recognized heroes.

Today we are here to honor that pledge. It is long overdue, but nonetheless we are here to do right by these workers and vote for the James Zadroga 9/11 Health and Compensation Act.

Words are, of course, inadequate to recognize and honor the bravery and courage of these brave Americans. But by this act of Congress, more than words, but by this act of Congress, we can truly express our gratitude to the ordinary men and women. Ordinary? No. Extraordinary men and women who took extraordinary action at that time.

Named for Officer James Zadroga, a hero of the New York Police Department who died from respiratory disease contracted during the Ground Zero recovery effort, this legislation will help those who jeopardized their health to rescue others secure necessary medical treatment, especially for the unique exposures suffered at Ground Zero which are real; and ensure survivors and victims' families can obtain compensation for their losses through a reopened 9/11 victims compensation fund.

It is fully paid for. This legislation does not increase the deficit. It is the least we can do for those who answered the call of duty and continue to suffer the ill health effects of their service. On September 11, 2001, all Americans were shocked by the horrifying images of terror and destruction. Yet, in the aftermath of that dark day, we responded in the best possible way, the best way Americans can: with resolve, with courage, with unity and with hope for a better future.

So many of us couldn't be at the scene ourselves. We all were willing to help. People from all over were trying to send assistance. Those who did, though, did not do so for recognition or accolades or awards or medals. They did it because their fellow Americans were in need. In those acts they became heroes.

The American people are looking to us to cast a vote that will allow these heroes to live out their lives with health and happiness.

Again, I want to commend Congresswoman CAROLYN MALONEY, Congressman JERRY NADLER, Congressman PETER KING—thank you, PETER—for their efforts to bring this bipartisan bill to the floor.

We are all inspired by the firefighters and first responders who have advocated so hard and so long on behalf of their fellow heroes. And I am so pleased that so many of them are with us today to help us make this historic decision.

We must now join together to provide this critical assistance. We must vote ''aye'' for the Health and Compensation Act. We must do so in a strong, bipartisan manner.

I thank our colleagues for the personal involvement that they have taken in this. At times it has been emotional. There is a lot of passion in this issue, but this bill is a very dispassionate response to the needs of our heroes. Let's get a great big vote for it today.

□ 1410

Mr. PALLONE. Mr. Speaker, can I inquire how much time remains?

The SPEAKER pro tempore. The gentleman from New Jersey has 3½ minutes.

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

I have heard Members on the other side of the aisle talk about this as an entitlement program. I want to stress it is not an entitlement program. It is not a budget gimmick. The program sunsets in 10 years. The funding is capped. Enrollment is capped. The population can't grow beyond the enrollment cap in the bill.

I hear from the opponents all about money, how much money is going to New York hospitals. I want to stress that this isn't really about who is going to pay for somebody's health insurance.

One of the centers where people go for treatment is in my home State of New Jersey, in my district, at Rutgers, and my understanding is many, if not most of the people who go there, actually have health insurance. The problem is that we are creating these centers, and we want to make sure that they are there for a long time because they serve a very important purpose. People go there because they have particular diseases that come from the World Trade Center attack that can't be treated at other locations. And even if they go to their doctor, they end up coming here because they know how to treat and get the specialty care that they need.

They also provide research. Many of these people don't contract the diseases until later in life; and I think, as time goes on, we are going to see, unfortunately, even more problems. At these centers they do the research to look and see what kind of treatment might be necessary as more and more people, unfortunately, come down with the diseases that resulted from the World Trade Center attack.

So I know there is a lot of talk about money from the other side. And I don't mean to say that money isn't important, but I want people to understand, I want everyone to understand, this is not really about money. This is really about having a specialized program where people can be treated who sacrificed everything for America, and these centers need to be here. They need to be here a long time from now, even when there aren't people that are going to be down here and asking that this program continue. That is why this program has to be set up in this fashion today. It has to be properly funded. It has to be available for anyone who suffered any kind of disorder from this World Trade Center attack.

Do I have any additional time, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 1 minute remaining.

Mr. PALLONE. I would yield that to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I traveled this journey with all of you. And Congresswoman MALONEY, I wanted to come and thank you, along with the chairpersons of the Energy and Commerce and the Judiciary Committees, for never giving up.

I think it is important to note that this bill will cover Pennsylvania, the Pentagon, and New York. And for those of us who listened to the families and the witnesses or the first responders themselves who saw the pain, and particularly those who already lost their lives, I think that this is a major step of balance, putting this in a system and a structure that has oversight, that provides ongoing care and provides for the coverage of those who, to this date, have suffered without coverage and comfort.

So I rise to support this legislation, and I am very glad that the Judiciary Committee and Energy and Commerce continued to work, even when we were thwarted and rejected. We are now back with, I hope, the right approach, bipartisan approach. And I would ask all of my colleagues to ask the question what would they want to do for 9/11 responders, and that is, vote ''yes.''

Mr. Speaker, I stand in support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act. As this Nation remembers, September 11, 2001, terrorists attacked the World Trade Center and the Pentagon. An airplane was also crashed by terrorists in

Shanksville, Pennsylvania. The first responders including firefighters and emergency personnel, who assisted to the heinous attacks on the World Trade Center, were exposed to extremely toxic dust resulting from the collapse of the Twin Towers.

This exposure has resulted in serious respiratory, related illnesses and serious medical conditions. I concur with my colleagues, enacting this offset into law has far reaching ramifications nationwide. This critical health program would monitor and provide specialized treatment through Centers of Excellence for responders including emergency personnel, rescue, and clean-up workers who responded to the 9/11 attacks on the World Trade Center, the Pentagon, and Shanksville, as well as residents, workers, and students who returned to the World Trade Center area shortly after the attacks.

Seventy-one thousand individuals are enrolled in the World Trade Center Health Registry, indicating they were exposed to the toxins. 36,000 Americans have received treatment for 9/11 related illnesses or injuries and over 53,000 responders are enrolled in medical monitoring. Additionally, over 10,000 people from across the country were on hand to assist in the aftermath of the 9/11 attacks. These responders came from nearly every congressional district and all 50 States. Funding for this health program to monitor and treat these responders and residents for resulting health conditions stemming from the terrorist attacks.

Due diligence has been taken to assure that this offset will not adversely affect most foreign multinationals corporations by this offset. Most foreign multinationals will not be affected; given that these companies are organized in countries the U.S. has income tax treaties.

It is imperative that we represent the tax payers of this Nation and close a loophole that has provided those multinational corporations, unfair competitive advantage over U.S. firms—allowing them to hide or shield their taxable income. This offset that must be enacted into law, would provide greater U.S. competition over rival foreign companies and illegal tax structures. Under the previous administration, the Under Secretary for Tax Policy clearly indicated some countries the U.S. has tax treaties negotiated decades ago, have adjusted their tax laws to become more like tax shelters.

Must we allow this to continue and unfairly allow the shifting of income out of the U.S. tax jurisdiction and further erode our U.S. corporate tax base. This offset will aid U.S. based companies and eliminate their unfair competitive advantage afforded them through the U.S. tax code to these companies that have become tax shelters. Let us be clear, this offset seeks only those companies that have intentionally attempted to avoid U.S. taxes and disadvantage their U.S. competitors.

As we enact fiscally sound and responsible legislation, it is important to note, this critical change is estimated to increase revenues by an estimated $7.4 billion over 2011 through 2020.

We must live up to our obligation and not let the tragedy of 9/11 persist and continue to deeply scar those who we should laud as this Nation's heroes. We must applaud our responders and show them that assistance is clearly at hand. I was pleased to work long years on the Judiciary Committee with Chairman CONYERS to come to this day.

I thank Representative CAROLYN MALONEY and my colleagues in advance who will rise in support of this important Act and reconfirm our commitment to this nation, and our first responders.

Mr. Speaker, I strongly support H.R. 847 and ask for its immediate adoption.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from the sovereign State of New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, many folks from New Jersey, both first responders and workers, went to New York after this tragedy. There is no question that, when you look at the records, that there were people from all 50 States in Lower Manhattan on 9/11 and after 9/11. There are 435 congressional districts, and 430 of them were represented by the names of constituents on the World Trade Center Health Registry.

But you don't need that. You need to look at the two reports from Mount Sinai Hospital, a great hospital in New York City, to see the number of people that went to that hospital who worked on that pile even after they were given the all-clear signal by the government, not self-imposed.

What in God's name are we doing to ourselves and arguing amongst ourselves when we know that this is the right thing to do? Get out of the bureaucracy nightmare. Let's do something together for a change. The only thing we have to show for it is bickering over the last 2 years, and what did that bring us? These folks deserve our help, and they deserve it now.

Mr. Speaker, I am so proud to standing here to support our heroes from 9/11.

Today—more than four and a half years after the death of NYPD Det. James Zadroga—I am here to say that we need to pass the James Zadroga 9/11 Health and Compensation Act right away because we are losing these brave souls as we speak.

I'm sad to say its now been nine years since 9/11 and we still haven't passed the James Zadroga 9/11 Health and Compensation Act—nine years is too long to wait and watch as our first responders from that day continue to suffer physically and emotionally—nine years is late, BUT its not too late to do the right thing. We need to pass this bill and we need to pass it now.

Nine years ago we gave those brave souls the ''all clear'' sign, but the government now knows that we were exposing those men and women to a poisonous dust that would stay with them for the rest of their lives.

I have to admit it bothers me greatly that there were Members of this body who not only voted against the 9/11 Health Bill the last time, but spoke strongly against it as well.

And yet I imagine earlier this month on the ninth anniversary of the attacks they spoke eloquently about the loss we all suffered as a nation—and they would be right on that point, but they would also be hypocrites if they vote against the 9/11 Health Bill today.

I am proud to say that as a member of the Ways & Means Committee we found a way to pay for this bill so that we can do the right thing for our 9/11 workers AND for our children who will bear the debt of the decisions we make today.

So the choice is clear do we support a responsible course to do right by our heroes—or do we support keeping open foreign tax loopholes?

This isn't just a bill for New York and New Jersey—This is a bill for all Americans.

We know that people from all 50 states were in lower Manhattan on or after 9/11 and now are facing serious health concerns—there are 435 Congressional Districts and 431 of them are represented by the names of constituents on the World Trade Center Health Registry.

After 9/11 we all said we would be there for these brave first responders—but today if we vote against this bill we are asking those same brave individuals to come to Washington, year after year to fight for their health benefits—do we expect them to come here ten years form now?

By then it may be too late for many of these men and women who responded to their nation's call of duty.

I urge all my colleagues to support the James Zadroga 9/11 Health and Compensation Act.

Mr. BOUSTANY. I yield myself such time as I may consume.

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

Mr. BOUSTANY. Mr. Speaker, everyone in this Chamber salutes the heroic actions of those countless brave Americans, both first responders and ordinary citizens, who put sacrifice over self in responding to the tragic events of 9/11. In the wake of unspeakable tragedy in New York City, at the Pentagon, and in Shanksville, Pennsylvania, we also saw America at its best.

Now, we have already heard considerable debate today, passionate debate, about the new health care entitlement this bill would create, and I think reasonable people can disagree about whether that program, that particular entitlement is appropriate. But I want to focus my remarks on the other part of this bill and on the unfortunate decision of our friends in the majority to pay for this legislation with a highly controversial tax increase on employers that our economy and our workforce simply cannot afford.

Mr. Speaker, the bill would impose a $7.4 billion tax hike on U.S. businesses that happen to be headquartered overseas but that create good, high-paying American jobs right here at home in communities across this great country. These ''insourcing'' companies provide significant employment in the United States, with many of these jobs in the manufacturing sector.

This tax increase will make it less attractive for many of these insourcing companies to initiate or expand operations here in the United States, potentially encouraging them to ship these jobs overseas. With the unemployment rate hovering near 10 percent

and businesses across the country continuing to struggle to meet payroll, now is the worst possible time for a tax hike on employers that will cost us more jobs.

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This is not the first time House Democrats have tried to enact this particular tax hike, and it probably won't be the last. That is because even the Senate, Senate Democrats, continue to reject it, since it would not only cost jobs, but also violate our international treaty obligations. Even the Obama administration's own Treasury Department has testified before the House Ways and Means Committee that it ''has concerns about the specifics of this provision and whether it will override many of our income tax treaties.''

Mr. Speaker, all of us, all of us in this Chamber recognize the hardships experienced by those brave Americans who responded to the events of 9/11. But a tax increase on employers that will cost other Americans their jobs is not the answer. We could have done this in a bipartisan way, but it is unfortunate we are not there today. I urge my colleagues to reject this harmful, misguided tax increase.

I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself 1 minute.

This is not a tax question. This is a moral question. This is one of the most serious abuses that we have in the Tax Code. It has come before this august body before and it has been supported for sound tax reasons.

We are here today because we were given the opportunity by Mrs. MALONEY and Mr. NADLER and the people of the State of New York to bring this before the House, with the support of the Speaker of the House. We had hoped so badly that this bipartisan issue would get a bipartisan vote.

We have an opportunity to say thank you, not for those people who are jobless and helpless, but for those people who gave up their lives and their families that are surviving, and those heroes that came to the site, came to the pile, and exposed themselves to these death-threatening diseases.

We have a chance not to talk about loopholes that we have in our Tax Code, but loopholes we have in the hearts of people who want to say thank you to these brave men and women. From all over the country people came, and they didn't thank New Yorkers, they thanked the people who cared about what was happening to the United States of America.

This flag is up, this flag is waving, and we really hope everyone gets a chance to salute it by saluting these people to be an example for Americans when anybody attacks us.

I reserve the balance of my time.

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

I am from Louisiana and we are no stranger to tragedies, but this is being presented on the other side as an either/or proposition. The bottom line is we could have actually done better, we could have done better, and I am deeply concerned about those who will lose their jobs as a result of these tax provisions. It is important to recognize that.

Don't just take my word for it. I have three letters here that I want to enter into the RECORD. These were addressed to the House Ways and Means Committee leadership. One is from the Organization For International Investment, a second from the U.S. Chamber of Commerce, and a third from the National Foreign Trade Council, all of which highlight the potential for significant job loss.

As a physician I can say one of the first maxims I have always followed is first do no harm. We could have done better, Mr. Speaker.

ORGANIZATION FOR
INTERNATIONAL INVESTMENT,
September 29, 2010.

Hon. SANDER LEVIN,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.
Hon. DAVE CAMP,
Ranking Member, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN LEVIN AND REPRESENTATIVE CAMP: On behalf of the Organization for International Investment (OFII), I am writing to express continued concern with section 301 of the James Zadroga 9/11 Health and Compensation Act (H.R. 847). While we recognize the need for revenue, we must oppose this provision as an offset because it represents a clear and harmful override of our existing U.S. income tax treaties. Although positive changes were made to this proposal since it was originally introduced as an offset to the 2007 Farm Bill (H.R. 2419), OFII remains opposed because it still uniquely discriminates against U.S. subsidiaries of companies headquartered abroad and clearly violates many of our international agreements.

OFII is the largest association of U.S. subsidiaries of companies headquartered abroad. U.S. subsidiaries play an important role in the growth and vitality of the U.S. economy. They provide high-paying jobs for over five million Americans and account for almost one-fifth of all U.S. exports. A discriminatory tax increase sends a negative signal to international investors and may dissuade these companies from choosing the United States as a location for job creating investment.

As drafted, this proposal would unilaterally override many of our bilateral income tax treaties and could lead to retaliatory actions by other countries or withdrawal by our treaty partners from existing treaties, negatively impacting international business transactions. The Senate has opposed this and similar provisions twice in the past two years for these reasons.

Congress has not held any hearings to examine this issue and whether the proposal is the appropriate remedy to address any perceived concerns. In this regard, there is no evidence that existing safeguards, including the substantial and restrictive anti-treaty shopping provisions (so-called ''Limitation on Benefits'' (LOB) provisions) contained in most of our current U.S. income tax treaties, are ineffective. Further, if material tax abuses were evident, the Treasury could implement changes to the U.S. Model Tax Treaty that would avoid the negative consequences of violating our international agreements.

Since a similar proposal was introduced in 2007, the Treasury has taken great strides to update the three bilateral tax treaties without LOB provisions (Iceland, Hungary, Poland).

A protocol adding an LOB provision to the Iceland treaty was negotiated by Treasury and ratified by the Senate in 2008. A similar protocol with Hungary has been negotiated and initialed and could be ratified this year. Treasury is expected to pursue a similar amendment to the treaty with Poland during 2010–2011.

Consistent with the conclusions in the Treasury Report that was released in November 2007 that reviewed potential abuse of income tax treaties, OFII believes re-negotiation of existing income tax treaties without LOB provisions is a more appropriate way to address the concerns underlying this provision and we urge you to oppose including this provision in the final version 9/11 Health and Compensation Act. We would be glad to discuss our concerns with your staff in greater detail.

Sincerely,

NANCY L. MCLERNON,
President & CEO.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, September 28, 2010.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges that a provision related to taxation of foreign owned companies be removed from H.R. 847, the ''James Zadroga 9/11 Health and Compensation Act of 2010,'' because H.R. 847 is an inappropriate vehicle for such esoteric and unrelated concerns.

The Chamber strongly opposes a tax on foreign-owned companies doing business in the United States. The provision included in H.R. 847 would raise taxes on foreign corporations that invest and create jobs domestically, would discourage foreign investment in the United States, override long-standing tax treaties, damage U.S. relationships with major trading partners, and could prompt retaliation by foreign governments against U.S. companies operating abroad.

Furthermore, the provision would further aggravate already unsettled financial markets. At a time when governments around the world are enhancing their companies' competitiveness by cutting corporate taxes, this provision would create an even more hostile tax environment in the United States. Such a provision sends precisely the wrong message to those firms wanting to invest in America.

This taxation provision should not be shoehorned into H.R. 847, which is legislation targeted at the needs of some responders to the 9/11 terrorist attack. Should Congress seek to consider tax-related legislation during the few remaining session days before the election, the Chamber believes Congress should take up legislation that would help promote economic growth, especially legislation to extend all of the expiring 2001 and 2003 tax provisions and the tax provisions that expired at the end of 2009.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President, Government Affairs.

NATIONAL FOREIGN
TRADE COUNCIL, INC.,
Washington, DC.

Hon. SANDER LEVIN,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.
Hon. DAVE CAMP,
Ranking Member, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER CAMP: The NFTC, organized in 1914, is an association of some 300 U.S. business enterprises engaged in all aspects of international trade and investment. Our membership covers the full spectrum of industrial, commercial, financial, and service activities, and we seek to foster an environment in which U.S. companies can be dynamic and effective competitors in the international business arena. The NFTC opposes the provision included with the ''James Zadroga 9/11 Health and Compensation Act of 2010'' that would undermine and override our existing U.S. bilateral income tax treaties.

The NFTC has long supported the expansion and strengthening of the U.S. tax treaty network. Tax treaties reduce certain taxes on cross-border investment and offer other provisions that will greatly benefit U.S. trade and investment. The abrupt changes to the U.S. tax treaties inherent in this legislation could seriously impair the ability of the U.S. Treasury to negotiate tax treaties and protocols with our trading partners.

The provision would raise taxes on foreign corporations that invest and create jobs in the United States, would further discourage foreign investment in the U.S., and damage U.S. relationships with our major trading partners.

The provision could also prompt retaliation by foreign governments and would damage the credibility of our tax treaty negotiators. The Treasury Department places a high priority on preventing abuse or misuse of tax treaties. The broad brush approach that overrides existing agreements could impair on improving limitation on benefit provisions in future treaties and protocols.

Congress has not directly held any hearings to examine this issue and whether the proposal is the appropriate remedy to address any perceived concerns. Treasury has taken great strides to update tax treaties to tighten the limitation on benefit provisions. Any changes to the limitation on benefits provisions should be negotiated by the U.S. Treasury, and should not be dealt with through legislation.

The NFTC urges Congress to remove this provision from the legislation to avoid undermining our existing income tax treaty system.

Sincerely,

CATHERINE SCHULTZ,
Vice President for Tax Policy.

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

Mr. RANGEL. Mr. Speaker, before I recognize the next speaker, I would just like to say when voters get an opportunity to ask the question, ''and what did you do to help these people who have given so much of their lives to this cause,'' that you just won't have to say that you tried to save jobs through an abusive tax provision.

Our country wants to say thank you. Certainly our New York delegation in Congress does too.

One of our Members felt this strongly. He felt it as an American, but he felt it also as a relative that had lost so much in this attack on the United States of America.

For purposes of closing, Mr. Speaker, I recognize JOSEPH CROWLEY from the State of New York.

Mr. CROWLEY. I thank my colleague and friend from New York (Mr. RANGEL) for yielding me this time.

Mr. Speaker, I rise in strong support of this bill. I would like to thank those who are here today for the debate who served our Nation so nobly on 9/11 and the days and months following. We thank you for your bravery and for your service.

It has been 9 years since the terrorist attack that took the lives of close to 3,000 of our fellow Americans. Over those years, speeches have been offered and medals have been awarded and promises have been made—promises have been made, and yet not fulfilled—all regarding our 9/11 heroes. But 9 years later, the most important commitment and tribute remains to be fulfilled.

The first responders, the first rebuilders, and the residents who risked their lives at Ground Zero are still waiting for much-needed health care services. These are the heroes who dug through the broken glass and the debris, and, yes, through human remains. These are the heroes who were urged by our Federal officials, return to life as usual in downtown New York because ''the air is safe.''

Well, the government was wrong. The air was not safe, and now many, too many, are suffering as a result.

Today we once again have the opportunity to honor our commitment that we made to those who answered the call to service. By passing the James Zadroga 9/11 Health and Compensation Act, we will provide critical health care service to those who stood up for America.

As many of you know, my cousin, Battalion Chief John Moran, died on September 11. Many in the gallery above us knew my cousin John. As I mentioned back in July, his last known words to his driver that day were, ''Let me off here. I am going to try to make a difference.'' ''Here'' was World Trade Center Tower Two.

John died with honor and in service to his country, and I know that he would have wanted it no other way. But John, like the thousands of others who perished that day, would also want us to know that he would want the victims and the heroes of 9/11 who survived not to be forgotten.

We don't need all of our colleagues' votes. What we need is your respect for the victims, for the families, for the survivors. And for one hour, and for one day, and with one vote, do not do what is politically correct, but do what is patriotically correct, and vote for this bill.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise again today in support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010.

Voting for this bill is essential if we want to honor the true heroes of 9/11. These heroes are the firefighters, police officers, rescue workers, and volunteers who risked their lives to help the country during one of its darkest periods only to be misinformed by that country with respect to conditions at the World Trade Center crash site. They deserve our help. It is our duty to provide it to them.

In the days after 9/11, Congress came together and—in a truly bipartisan effort—conceived of a system through which the victims of those terrible attacks could obtain medical treatment and just compensation. As we learned in various hearings and markups before the Judiciary Committee, that system was a stunning success.

The 9/11 Victims Compensation Fund, for example, quickly compensated those who were injured or lost close family members in the attacks. Just over $7 billion was paid out in a 33-month period, with overhead costs of less than 3 percent, and with 97 percent of the families of deceased victims opting into the fund rather than pursuing tort relief in the courts. As Special Master Kenneth Feinberg stated in his written testimony before our committee earlier this year, ''this was one of the most efficient, streamlined and cost effective programs in American history.''

Despite its incredible success, however, the job is not quite done. There remain thousands of people who require the protection of the VCF, but who—by no fault of their own—were unable to take advantage of it when it was available. This includes first responders, workers, and volunteers from around the country who rallied to help locate survivors, recover the dead, and clean up debris from the fallen towers. These are the people that the Nation and the world watched on television as they dropped everything in their own lives to rush to aid those who needed it the most.

They were told by their government that the air was safe to breathe. But many are now sick and suffering because of their exposure to the toxic dust that covered much of lower Manhattan.

People are sick and will continue to get sick because of their exposure to World Trade Center dust. We must resolve this problem, and that means passing H.R. 847.

The bill would provide medical monitoring and treatment to the continuing victims of the 9/11 attacks. It would also reopen the 9/11 Victims Compensation Fund to provide compensation to those victims.

One thing is clear: the status quo is unacceptable. Worker's compensation has failed. Medical programs aren't covering enough people. And the World Trade Center Captive Insurance Fund, created by Congress to resolve claims such as those that remain outstanding, has instead used the money appropriated to contest each and every one of those claims. Six years and $300 million in administrative and legal costs later, the Captive Insurance Fund has settled less than 10 claims.

I believe this bill, while perhaps not perfect, goes a long way to establishing a fair and just program to care for and compensate those who continue to bear the deep scars from 9/11. I urge my colleagues to support this bill, which is the result of a great deal of work on both sides of the aisle, and in the end is just the right thing to do.

I congratulate Ms. MALONEY, Mr. NADLER, Mr. KING of New York and the other members of the New York delegation for their long struggle to bring this bill to the floor. I also

thank Speaker PELOSI for her strong commitment to helping the heroes and heroines of 9/11.

Mr. HOLT. Mr. Speaker, as a cosponsor of the James Zadroga 9/11 Health and Compensation Act of 2010, I urge passage of this important bill.

Today the House has the opportunity to honor the rescue and recovery workers who served our Nation after the devastating attacks at the World Trade Center on September 11, 2001 and, more important than empty honor, to provide for their care. My district suffered causalities that day and nine years later, the memory of that terrible day is still fresh in our minds.

Along with the victims of 9/11, there were thousands of rescue and recovery workers who came to the aid of our Nation that day. These brave women and men rushed to Ground Zero to help the fallen and to participate in the clean-up effort without thinking about their health or safety. These workers were exposed to environmental hazards and have developed significant respiratory illnesses, chronic infections, and other medical conditions. Further, many first responders are only now being diagnosed with illnesses that are related to their exposure at Ground Zero.

The Zadroga 9/11 Health and Compensation Act of 2010 would create the World Trade Center Health Program (WTCHP). The program would provide medical monitoring and treatment benefits to first responders and workers who were directly affected by the attacks. Additionally, the program would establish education and outreach programs and conduct research on physical and mental health conditions related to the 9/11 attacks. The program would continue until 2020 and the total federal spending would be capped at $4.6 billion. The WTCHP program would serve more than 75,000 survivors, recovery workers, and members of the affected communities.

This bill provides long-term health care and compensation for thousands of responders and survivors. By passing this bill, we will be paying tribute to the sacrifice and courage of these women and men and we will be paying a debt. This bill will be paid for with a partnership with New York City and by closing tax loopholes.

When this bill was considered by the House before, some in the minority party put politics over these brave first responders. Today, we get a second chance to approve this important piece of legislation. We cannot let our first responders down.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 847, the ''James Zadroga 9/11 Health and Compensation Act,'' which will ensure that 9/11 emergency responders receive quality health care to address the lingering health effects resulting from their brave service on September 11, 2001.

I thank Chairman WAXMAN for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congresswoman MALONEY, for her attention to this important issue.

Mr. Speaker the courageous men and women who responded to the attacks of September 11, 2001 thrust themselves into a life-threatening situation, risking everything to respond to one of our Nation's most devastating tragedies. Many of these firefighters and emergency responders died in the aftermath of the attacks; I am forever grateful for these men and women who made the ultimate sacrifice. Many of those who survived continue to suffer from serious health issues, ranging from respiratory illness to post-traumatic stress syndrome. These individuals deserve our assurance that they will always receive first-rate care.

Unfortunately, since the closing of the 9/11 Compensation Fund on March 31, 2003, many first responders have had to fight just to get the medical treatment that they need. This bill will change that. H.R. 847 will fund through 2019 the World Trade Center Health Program, ensuring that first responders suffering from 9/11-related health problems will be able to get care. The bill will also establish medical centers of excellence throughout the country to serve 9/11 responders. Currently many 9/11 emergency responders who no longer live in New York/New Jersey metro area are required to return there in order to receive care, a requirement that is often prohibitively inconvenient.

Mr. Speaker, H.R. 847 is part of our ongoing obligation to the brave men and women who responded to 9/11. I urge my colleagues to join me in supporting this bill.

Mr. ACKERMAN. Mr. Speaker, I rise today in the strongest possible support of the 9/11 Health and Compensation Act, H.R. 847.

Mr. Speaker, we are here again on the floor of the House to consider doing the decent thing: helping the living victims of the 9/11 who continue to suffer the terrible effects of that day. For too long, the federal government has not stepped-up enough to help the responders, volunteers, workers and residents that went to Ground Zero during and after the horrific 9/11 attack. For too long, this Congress has not acted to help these victims on a permanent basis. Tragically, some of the very people that we want to help with this legislation have already died. Thousands of Americans who responded need medical treatment now. Thousands more will need treatment in the future. Nine years is too long: we must show the American people today that their representatives can put away their differences and work together to pass this bill. The sick and injured don't care about offsets and they don't care about election-year politics.

The horrific attack of 9/11 wasn't just an attack on New York City; it was an attack upon the entire United States. The brave men and women in uniform who risk their lives every day in Afghanistan and elsewhere aren't defending just New York City, they're defending America. Responders came to Ground Zero in the thousands from all around the country, from almost every Congressional District. Over 13,000 responders to Ground Zero are sick now and already are receiving medical treatment. Another 53,000 responders are currently being medically monitored and 71,000 individuals are enrolled in the World Trade Center Registry, meaning they were exposed to toxins at some point. In the coming years, these numbers will only increase as symptoms and conditions related to exposure to Ground Zero begin to manifest themselves in the victims. This measure would monitor and provide treatment to responders to Ground Zero and build on the existing monitoring and treatment programs. There's also an economic component to this bill. Victims would be able to be compensated for their economic losses and contractors would receive liability protection. We must pass this bill not only because it's the right thing to do for those people who are sick, but for the next generation of responders who will have to think twice about volunteering and working at a the site of a terrorist attack.

So, Mr. Speaker, I urge all my colleagues to support the 9/11 Health and Compensation Act so that all the victims of 9/11 will receive the medical care and help they need and deserve.

Mr. BISHOP of New York. Mr. Speaker, I rise in strong support of this bill and thank the leadership for giving it a second chance. The heroes who responded on September 11th certainly deserve a second chance.

Those heroes didn't hesitate. Americans united immediately on September 11th. But 9 years later, this House remains divided.

First responders, survivors, and their families have waited too long for Congress to act. On this congressional session's final day, we must fulfill our promise to care for them and treat them for their exposure to toxins at Ground Zero.

Residents of Eastern Long Island, who I proudly represent, are getting sick, as are thousands who came from nearly every state. This isn't just a New York issue, it's an American issue.

I urge my colleagues on both sides of the aisle to unite in support of our heroes by voting for the 9/11 Health and Compensation Act.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1674, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. LEE of New York. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEE of New York. In its present form.

Mr. WAXMAN. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lee of New York moves to recommit the bill H.R. 847 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

In subparagraph (A) of section 3312(c)(1) of the Public Health Service Act, as added by section 101 of the bill, strike ''the payment rates that would apply to the provision of such treatment and services by the facility under the Federal Employees Compensation Act'' and insert ''payment rates equal to the payment rates for similar services under parts A and B of title XVIII of the Social Security Act''.

Strike title III and insert the following (and make such changes to the table of contents in section 1(b) as may be necessary):

TITLE III—REPEAL OF CERTAIN SPENDING PROVISIONS IN PATIENT PROTECTION AND AFFORDABLE CARE ACT

SEC. 301. REPEALS.

(a) IN GENERAL.—The following provisions are hereby repealed:

(1) Subsections (a), (b), (c), (e), (g), (h), (i), (j), (k), (l), and (m) of section 1899A of the Social Security Act (relating to Independent Payment Advisory Board) and subsections (b) and (c) of section 3403 of the Patient Protection and Affordable Care Act (and the amendments made by such subsections).

(2) Section 4002 of such Act (relating to the Prevention and Public Health Fund).

(3) Subsections (a), (b), (c), and (d) of section 6301 of such Act (and the amendments made by such subsections) (relating to patient-centered outcomes research).

(4) Section 10502 of such Act (relating to improving infrastructure of a single health care facility).

(b) CONFORMING AMENDMENTS.—In the table of contents in section 101 of the Patient Protection and Affordable Care Act, strike the items relating to sections 3403, 4002, and 10502.

At the end of the bill, add the following new title (and make such changes to the table of contents in section 1(b) as may be necessary):

TITLE V—ENACTING REAL MEDICAL LIABILITY REFORM

SEC. 501. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

The time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years after the date of manifestation of injury unless tolled for any of the following—

(1) upon proof of fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

Actions by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that actions by a minor under the full age of 6 years shall be commenced within 3 years of manifestation of injury or prior to the minor's 8th birthday, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care organization have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

SEC. 502. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, nothing in this title shall limit a claimant's recovery of the full amount of the available economic damages, notwithstanding the limitation in subsection (b).

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any health care lawsuit, the amount of noneconomic damages, if available, may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same injury.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—For purposes of applying the limitation in subsection (b), future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award for noneconomic damages in excess of $250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages and the combined awards exceed $250,000, the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. Whenever a judgment of liability is rendered as to any party, a separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 503. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) 40 percent of the first $50,000 recovered by the claimant(s).

(2) 33⅓ percent of the next $50,000 recovered by the claimant(s).

(3) 25 percent of the next $500,000 recovered by the claimant(s).

(4) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section. The requirement for court supervision in the first two sentences of subsection (a) applies only in civil actions.

SEC. 504. ADDITIONAL HEALTH BENEFITS.

In any health care lawsuit involving injury or wrongful death, any party may introduce evidence of collateral source benefits. If a party elects to introduce such evidence, any opposing party may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the opposing party to secure the right to such collateral source benefits. No provider of collateral source benefits shall recover any amount against the claimant or receive any lien or credit against the claimant's recovery or be equitably or legally subrogated to the right of the claimant in a health care lawsuit involving injury or wrongful death. This section shall apply to any health care lawsuit that is settled as well as a health care lawsuit that is resolved by a fact finder. This section shall not apply to section 1862(b) (42 U.S.C. 1395y(b)) or section 1902(a)(25) (42 U.S.C. 1396a(a)(25)) of the Social Security Act.

SEC. 505. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to the claim in such lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages. At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(1) whether punitive damages are to be awarded and the amount of such award; and

(2) the amount of punitive damages following a determination of punitive liability.

If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages, if awarded, in a health care lawsuit, the trier of fact shall consider only the following—

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages, if awarded, in a health care lawsuit may be as much as $250,000 or as much as two times the amount of economic damages awarded, whichever is greater. The jury shall not be informed of this limitation.

SEC. 506. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments. In any health care lawsuit, the court may be guided by the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this title.

SEC. 507. DEFINITIONS.

In this title:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term ''alternative dispute resolution system'' or ''ADR'' means a system that provides for the resolution of

health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term ''claimant'' means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity, or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term ''collateral source benefits'' means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product, or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers' compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income-disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term ''compensatory damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term ''compensatory damages'' includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term ''contingent fee'' includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term ''economic damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) HEALTH CARE LAWSUIT.—The term ''health care lawsuit'' means any health care liability claim concerning the provision of health care goods or services or any medical product affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services or any medical product affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim. Such term does not include a claim or action which is based on criminal liability; which seeks civil fines or penalties paid to Federal, State, or local government; or which is grounded in antitrust.

(8) HEALTH CARE LIABILITY ACTION.—The term ''health care liability action'' means a civil action brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(9) HEALTH CARE LIABILITY CLAIM.—The term ''health care liability claim'' means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(10) HEALTH CARE ORGANIZATION.—The term ''health care organization'' means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement with a health care organization to provide or administer any health benefit.

(11) HEALTH CARE PROVIDER.—The term ''health care provider'' means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(12) HEALTH CARE GOODS OR SERVICES.—The term ''health care goods or services'' means any goods or services provided by a health care organization, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, or treatment of any human disease or impairment, or the assessment or care of the health of human beings.

(13) MALICIOUS INTENT TO INJURE.—The term ''malicious intent to injure'' means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) MEDICAL PRODUCT.—The term ''medical product'' means a drug, device, or biological product intended for humans, and the terms ''drug'', ''device'', and ''biological product'' have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(g)(1) and (h)) and section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), respectively, including any component or raw material used therein, but excluding health care services.

(15) NONECONOMIC DAMAGES.—The term ''noneconomic damages'' means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(16) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor noneconomic damages.

(17) RECOVERY.—The term ''recovery'' means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys' office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(18) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 508. EFFECT ON OTHER LAWS.

(a) VACCINE INJURY.—

(1) To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this title does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such title XXI shall not apply to such action.

(2) If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(b) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this title shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 509. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this title preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this title. The provisions governing health care lawsuits set forth in this title supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this title; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) PROTECTION OF STATES' RIGHTS AND OTHER LAWS.—(1) Any issue that is not governed by any provision of law established by or under this title (including State standards of negligence) shall be governed by otherwise applicable State or Federal law.

(2) This title shall not preempt or supersede any State or Federal law that imposes greater procedural or substantive protections for health care providers and health

care organizations from liability, loss, or damages than those provided by this title or create a cause of action.

(c) STATE FLEXIBILITY.—No provision of this title shall be construed to preempt—

(1) any State law (whether effective before, on, or after the date of the enactment of this Act) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this title, notwithstanding section 502(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 510. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this Act, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this Act shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

Mr. LEE of New York (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

Mr. WAXMAN. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

□ 1450

Mr. WAXMAN (during the reading). Mr. Speaker, I ask unanimous consent that the remainder of the motion to recommit be considered as read.

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

There was no objection.

The SPEAKER pro tempore. Does the gentleman from California continue to reserve his point of order?

Mr. WAXMAN. I withdraw my point of order.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York is recognized for 5 minutes in support of his motion.

Mr. LEE of New York. Mr. Speaker, I, like many of my colleagues, am a strong supporter of the underlying provisions in H.R. 847, the James Zadroga 9/11 health bill. In fact, I am a cosponsor of the bill and believe we should pass it for our 9/11 heroes. Unfortunately, H.R. 847 is not on the floor today because the same harmful, job-killing tax hikes that were added to the bill in July are still here today.

I'm a new Member of Congress. I'm from New York. I spent my entire career in the private sector before coming here, not in politics, focused on growing jobs in the manufacturing sector, and I can tell you firsthand these taxes will kill jobs in the United States. These are taxes on new jobs.

I share the frustration of so many Americans when Congress talks a good game about creating jobs but does everything possible to send them offshore. These taxes, without a doubt, will send more jobs offshore. And with 15 million American workers out of work, it is unwise and unnecessary to pit America's jobless against the 9/11 heroes.

Earlier today, I signed a letter, with the entire New York delegation, to the House leadership urging that this bill be considered without procedural games or poison pills meant to make the other party look bad. This motion to recommit lives up to that request.

Specifically, this motion eliminates the job-killing tax hikes and, instead, finances the bill through spending cuts, just as the American people are urging us to do this in each and every one of our districts.

It eliminates the duplicative Public Health Service Act slush fund. It repeals the poorly drafted comparative effectiveness research program and the Medicare Independent Payment Advisory Board. It also eliminates incentives to overutilize services by changing reimbursement rates. In addition, CBO says the motion reduces the deficit over the next 10 years. I want to repeat that. It reduces the deficit.

It takes the additional step to save money and improve care for everyone by enacting something that was missing from the health care bill that was passed earlier this year. It enacts meaningful medical liability reform, reform supported by both sides of the aisle.

By passing this motion to recommit, we can remove the harmful job-killing tax hikes and do what's right for these 9/11 heroes and leave the politics aside.

I urge adoption of this motion.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. This legislation is designed to provide health care services for the heroes of 9/11, the policemen and the firemen who didn't know what would be in store for them when they went into the World Trade Center. Many of them are suffering from the health consequences of their activities, and we have an obligation to provide the services that they need.

What does this motion to recommit do? It would, first of all, reduce payments to health care providers, making it harder for those people to get access to hospitals to treat them. But the worst thing about this motion to recommit is that it strikes a pay-for that's been passed three times already in the House, and it eliminates areas of the health care reform law that are designed to save money and to prevent costly health problems.

There are 248 organizations that have signed a letter opposing these kinds of cuts. This same kind of proposal was offered in the Senate and rejected very soundly. These are groups that are concerned that we have a health system that is there to protect the public health. Can you imagine the irony that the public health measures we're trying to put in place so that we can deal with chronic disease would be struck? They would wipe that out in order to pay for this bill.

That is not the way to pay for this legislation. Groups such as the American Heart Association, the American Cancer Society, the American Diabetes Association, the American Lung Association, maternal and child health associations, and dozens of others all urge a ''no'' vote on this motion to recommit.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. WIENER), a very important member of our committee and a champion for this legislation.

Mr. WEINER. You know, here in Washington, there are a couple of different ways you can kill a bill. One is the honest way—you vote ''no.'' Put your card in, you press the ''no'' vote. It shows ''no'' up on the board. Another way you can kill legislation in this town is by offering up amendments or offering up procedures and offering up confusion about the bill, that it goes down for that reason and you don't quite have your fingerprints on it.

Mr. LEE's an honorable man, he's a good man. But I have to tell you it as simply as I can. If you vote for his motion to recommit, the bill dies. If you vote for this motion that says, essentially, we're going to take out the money for the care, it doesn't matter how many 9/11 events you go to, doesn't matter how many times you send out press releases that say you care, if you vote for this motion, you vote to kill the bill, period.

And there's a lot of talk about what's in it. You want to relitigate the health care bill? Okay. We're going to get to do that the first Tuesday in November. People are going to be talking, oh, the health care bill is a good bill or bad bill. Let's do that later. Let's do the politics later. Let's do the right thing now. Let's try to take care of the people in this bill with money to do it.

I understand this is a political town and we're in the midst of a political season, but can't we look around? Can't we, at this moment, look around and say this isn't the time for a parliamentary move or a clever motion to recommit?

My colleagues, when you come down here, the only way you can go home and say that you care for the victims of September 11 is if you vote a ''no'' on this motion and a ''yes'' on final passage. That's it.

□ 1500

The people in this room and back home are too smart to be fooled by anything else. ''I want it paid for this way.'' ''I want it paid for that way.''

As Mr. WAXMAN just said, if you pass this amendment, it essentially says, We are going to go back and argue about the health care bill again. What is next? Are we going to go argue abortion or immigration? No, let's not do

that anymore. Well, if we are going to do it, let's do it in November on elections. We are going to have TV commercials and ads. Now let's just do the right thing. I want to see every Republican and every Democrat say, You know what, if there is one thing we agree upon, it's that the people who gave up their health on September 11 and the days after deserve our care and our respect. We need a ''no'' vote, my colleagues.

I have to tell you something, I have worked with the people who were advocating for 9/11 health for 9 years, and some of them are here. They are too smart. They are going to know that if you vote in favor of this motion to recommit, plain and simple, you are voting to kill this bill. We are not going to let it happen. Nine years is too long.

But I'll tell you something about time, it's also pretty darn close to election day. In 434 districts in this country are people who have a 9/11 cough. I hope they are watching this debate, and I hope they watch not just final passage, which hopefully we get to, because if this Lee amendment passes, this bill is going down. We can't let that happen.

I urge a ''no'' vote on the motion to recommit and a ''yes'' vote on passage.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. LEE of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; and motions to suspend the rules with respect to H.R. 3685, H.R. 5993, and House Resolution 1326.

The vote was taken by electronic device, and there were—yeas 185, nays 244, not voting 4, as follows:

[Roll No. 549]

YEAS—185

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NAYS—244

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

NOT VOTING—4

Blunt
Boyd
Fallin
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and any manifestation of approval or disapproval of the proceedings are in violation of the rules of the House.

□ 1529

Mrs. NAPOLITANO, Messrs. BUTTERFIELD, SCHRADER, Ms. EDWARDS of Maryland, Ms. SPEIER, Messrs. CARSON of Indiana, SPRATT, BLUMENAUER, WELCH, and DELAHUNT changed their vote from ''yea'' to ''nay.''

Mrs. LUMMIS, Messrs. GARRETT of New Jersey, POSEY, Ms. FOXX, Mrs. EMERSON, and Messrs. WITTMAN and COLE changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. WAXMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 160, not voting 5, as follows:

[Roll No. 550]

AYES—268

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa

Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Roe (TN)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—160

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—5

Blunt
Boyd
Diaz-Balart, L.
Fallin
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and any manifestations of approval or disapproval of the proceedings is in violation of the rules of the House.

□ 1537

Ms. ESHOO changed her vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will once again remind all persons in the gallery that they are here as guests of the House and any manifestations of approval or disapproval of the proceedings is in clear violation of the rules of the House.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

REQUIRING HYPERLINK TO VETSUCCESS WEBSITE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3685) to require the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website, 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 California (Mr. FILNER) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 7, as follows:

[Roll No. 551]

YEAS—425

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
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
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette

Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
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)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
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
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—7

Blunt
Boyd
Chandler
Fallin
Lowey
Poe (TX)
Young (FL)

□ 1546

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.

SECURING AMERICA'S VETERANS INSURANCE NEEDS AND GOALS 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. 5993) to amend title 38, United States Code, to ensure that beneficiaries of Servicemembers' Group Life Insurance receive financial counseling and disclosure information regarding life insurance payments, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 358, nays 66, not voting 8, as follows:

[Roll No. 552]

YEAS—358

Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
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)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—66

Aderholt
Bachus
Bartlett
Barton (TX)
Blackburn
Bonner
Brady (TX)
Broun (GA)
Buyer
Campbell
Cantor
Carter
Coble
Coffman (CO)
Conaway
Flake
Fleming
Foxx
Franks (AZ)
Gingrey (GA)
Granger
Graves (GA)
Griffith
Hall (TX)
Harper
Hastings (WA)
Hensarling
Hoekstra
Inglis
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Latta
Linder
Lummis
Marchant
McHenry
McKeon
Miller, Gary
Myrick
Neugebauer
Nunes
Paul
Pence
Pitts
Poe (TX)
Price (GA)
Radanovich
Roe (TN)
Rogers (AL)
Rohrabacher
Ryan (WI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (NE)
Thornberry
Tiahrt
Walz
Wamp
Young (AK)

NOT VOTING—8

Blunt
Boehner
Boyd
Fallin
Kirk
Polis (CO)
Scott (VA)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1554

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CALLING ON JAPAN TO ADDRESS CHILD ABDUCTION CASES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to

the resolution (H. Res. 1326) calling on the Government of Japan to immediately address the growing problem of abduction to and retention of United States citizen minor children in Japan, to work closely with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination in the United States, to provide left-behind parents immediate access to their children, and to adopt without delay the 1980 Hague Convention on the Civil Aspects of International Child Abduction, 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 California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 1, not voting 15, as follows:

[Roll No. 553]

YEAS—416

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
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
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
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Deutch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
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
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)
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
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
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—1

Paul

NOT VOTING—15

Blunt
Boehner
Boyd
Capuano
DeFazio
Diaz-Balart, L.
Diaz-Balart, M.
Fallin
Gordon (TN)
Kirk
Maloney
Pomeroy
Radanovich
Rangel
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1602

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.

The title of the resolution was amended so as to read: ''Calling on the Government of Japan to address the urgent problem of abduction to and retention of United States citizen children in Japan, to work closely with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination in the United States, to provide left-behind parents immediate access to their children, and to adopt without delay the 1980 Hague Convention on the Civil Aspects of International Child Abduction.''.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5820

Mr. RUSH. Mr. Speaker, I ask unanimous consent to remove Mr. PETER DEFAZIO, the gentleman from Oregon, as a cosponsor from H.R. 5820, cited as the Toxic Chemicals Safety Act of 2010.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5820

Mr. HEINRICH. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor from H.R. 5820.

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

There was no objection.

CURRENCY REFORM FOR FAIR TRADE ACT

Mr. LEVIN. Mr. Speaker, pursuant to House Resolution 1674, I call up the bill (H.R. 2378) to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1674, the amendment in the nature of a substitute recommended by the Committee on Ways and Means, printed in the bill, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2378

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 ''Currency Reform for Fair Trade Act''.

SEC. 2. CLARIFICATION REGARDING DEFINITION OF COUNTERVAILABLE SUBSIDY.

(a) BENEFIT CONFERRED.—Section 771(5)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(E)) is amended—

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

(2) in clause (iv), by striking the period at the end and inserting '', and''; and

(3) by inserting after clause (iv) the following new clause:

''(v) in the case in which the currency of a country in which the subject merchandise is produced is exchanged for foreign currency obtained from export transactions, and the currency of such country is a fundamentally undervalued currency, as defined in paragraph (37), the difference between the amount of the currency of such country provided and the amount of the currency of such country that would have been provided if the real effective exchange rate of the currency of such country were not undervalued, as determined pursuant to paragraph (38).''.

(b) EXPORT SUBSIDY.—Section 771(5A)(B) of the Tariff Act of 1930 (19 U.S.C. 1677(5A)(B)) is amended by adding at the end the following new sentence: ''In the case of a subsidy relating to a fundamentally undervalued currency, the fact that the subsidy may also be provided in circumstances not involving export shall not, for that reason alone, mean that the subsidy cannot be considered contingent upon export performance.''.

(c) DEFINITION OF FUNDAMENTALLY UNDERVALUED CURRENCY.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end the following new paragraph:

''(37) FUNDAMENTALLY UNDERVALUED CURRENCY.—The administering authority shall determine that the currency of a country in which the subject merchandise is produced is a 'fundamentally undervalued currency' if—

''(A) the government of the country (including any public entity within the territory of the country) engages in protracted, large-scale intervention in one or more foreign exchange markets during part or all of the 18-month period that represents the most recent 18 months for which the information required under paragraph (38) is reasonably available, but that does not include any period of time later than the final month in the period of investigation or the period of review, as applicable;

''(B) the real effective exchange rate of the currency is undervalued by at least 5 percent, on average and as calculated under paragraph (38), relative to the equilibrium real effective exchange rate for the country's currency during the 18-month period;

''(C) during the 18-month period, the country has experienced significant and persistent global current account surpluses; and

''(D) during the 18-month period, the foreign asset reserves held by the government of the country exceed—

''(i) the amount necessary to repay all debt obligations of the government falling due within the coming 12 months;

''(ii) 20 percent of the country's money supply, using standard measures of M2; and

''(iii) the value of the country's imports during the previous 4 months.''.

(d) DEFINITION OF REAL EFFECTIVE EXCHANGE RATE UNDERVALUATION.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677), as amended by subsection (c) of this section, is further amended by adding at the end the following new paragraph:

''(38) REAL EFFECTIVE EXCHANGE RATE UNDERVALUATION.—The calculation of real effective exchange rate undervaluation, for purposes of paragraph (5)(E)(v) and paragraph (37), shall—

''(A)(i) rely upon, and where appropriate be the simple average of, the results yielded from application of the approaches described in the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues; or

''(ii) if the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues are not available, be based on generally accepted economic and econometric techniques and methodologies to measure the level of undervaluation;

''(B) rely upon data that are publicly available, reliable, and compiled and maintained by the International Monetary Fund or, if the International Monetary Fund cannot provide the data, by other international organizations or by national governments; and

''(C) use inflation-adjusted, trade-weighted exchange rates.''.

SEC. 3. REPORT ON IMPLEMENTATION OF ACT.

(a) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation of the amendments made by this Act.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include a description of the extent to which United States industries that have been materially injured by reason of imports of subject merchandise produced in foreign countries with fundamentally undervalued currencies have received relief under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), as amended by this Act.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I yield myself 3 minutes.

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

Mr. LEVIN. Colleagues, this is an important moment for this House and for the people of our Nation. There is a real problem—China's persistent manipulation of its currency. That requires real action, and under our leadership, real action is now being taken in this House.

China's practices represent, as the Secretary of the Treasury indicated in his testimony before us, ''a major distortion in the global economy.''

For our country, it is impacted on our trade deficit with China—in 2009, $226 billion—and it is impacted on our jobs. Their goods come to us, as a result of their manipulation, cheaper, and our goods to them, more expensive. There is a 15–35 or 40 percent imbalance, a tilted field of competition. The estimates mean 500,000 to 1.5 million jobs. This manipulation is one of the causes of the outsourcing of our jobs—of manufacturing and other good jobs.

Talk hasn't worked. Less than 2 percent appreciation has occurred since just before the last G–20 meeting when the Chinese said that they would make their currency more flexible.

Additional steps are needed, and this bill is just such a step. So, after 2 days of hearings before our committee, I worked over the weekend with our majority staff to modify, to make sure this bill was fully compliant with our international WTO obligations. It is compliant.

China has an economic strategy. For our businesses and workers, it is vital that our Nation has an active economic strategy, and this is one important piece of that strategy.

I strongly urge support of this legislation, and I reserve the balance of my time.

Mr. CAMP. I yield myself such time as I may consume.

Mr. Speaker, let me start by saying it is truly disappointing that this is the only trade bill in the past 2 years that has been marked up by the Ways and Means Committee. I find it unacceptable that this is the sum total of our trade agenda. While this legislation addresses an important issue, it will not address many more pressing trade concerns with China, and it will not advance the goal of doubling exports in 5 years.

To achieve those goals, we must move expeditiously on the pending free trade agreements, work harder to open new markets to our exports, and address broader economic issues all over the world and with China.

□ 1610

We have held four separate hearings on China this year alone. At each, we heard from witnesses, including Treasury Secretary Geithner, who stressed that China's currency policy is only one element in our highly complicated trading relationship.

It's not that China's currency problem is not a problem or priority; it's just that there are far larger issues with regard to China and our trade imbalance. Issues like intellectual property rights, indigenous innovation, export restraints on rare earth minerals and other items, and a host of nontariff barriers are wreaking havoc on American employers, their workers, and our economy.

Despite my disappointment about the lack of a broader trade agenda and the lack of action on these other concerns with respect to China, it would be an enormous mistake to give up completely on addressing China's currency policy. We all agree that China's currency is fundamentally misaligned and that China must take prompt action to allow market forces to determine the value of its currency.

At the same time, it is important that any legislation be consistent with our international obligation and be effective. Any legislation that could potentially expose the United States to WTO-sanctioned retaliation would undoubtedly do more harm than good and would undermine our efforts to get China to comply with its own obligations.

At our hearings over the past few weeks, a number of witnesses and Republican Members raised serious concerns about the WTO consistency of the original version of H.R. 2378. As a result of these concerns, Chairman LEVIN completely rewrote the bill. The version before us today has little in common with the original, which, on its face, violated our WTO obligation. It addresses many of the criticisms raised by witnesses and by Republican Members, and I appreciate that the chairman has taken these concerns into account.

Unlike the original version, this bill does not mandate that the Commerce Department automatically adjust antidumping and countervailing duty calculations to account for China's currency policy. This version allows Commerce to consider many factors in determining whether or not China's currency policy satisfies the technical definition of an export subsidy, as it does today, and does not prejudge an outcome.

While I remain deeply concerned about using countervailing duty law to address China's currency policy, I believe the bill before us today does not, on its face, violate our WTO obligations.

I will vote for this bill because it sends a clear signal to China that Congress' patience is running out but does not give China an excuse to retaliate against U.S. companies and their workers. While we cannot pass legislation that likely violates our WTO commitments and would result in WTO-sanctioned retaliation, we cannot, at the same time, allow ourselves to be afraid of China's reaction to a WTO-consistent measure.

If China retaliates against this bill at this stage, I fully expect that USTR, and the administration as a whole, will act swiftly and aggressively to pursue every option available, including through action at the WTO. China's posturing and bad behavior cannot dictate our trade policy.

This legislation also sends an important signal to the administration: It is time to produce results. The administration must step up its bilateral and multilateral efforts and set a clear timeline for action. The administration should work to ensure that the issue of global imbalances, which naturally includes China's currency policy, is prominently on the agenda at the November G20 meetings in Seoul. We should also reengage in bilateral investment treaty negotiations.

As I noted at our markup, the fact that the administration has not moved aggressively on a multilateral basis has forced us to this point. The legislation we are considering today is better than the original but still won't resolve our trade imbalances with China.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. BRADY), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mr. CAPUANO). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LEVIN. I yield myself 15 seconds.

That statement really rewrites the history of this legislation. I suggest to everybody, go back and look at the opening statement of the ranking member. Also, we have urged support of the green 301 petition. Only three Republicans supported it. I regret the partisan inflection here. I won't engage in it. I hope we get bipartisan support.

I now yield 1½ minutes to the gentleman from Washington (Mr. MCDERMOTT), a gentleman who is so actively engaged on these issues.

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

Mr. MCDERMOTT. Mr. Speaker, there is an old Chinese proverb that says, ''A journey of a thousand miles begins with a single step,'' and I rise today in support of this legislation which is before us to take the first step toward addressing the egregious imbalance between China's currency and our own.

For too long, the Chinese have not been playing fairly in the international trade arena, and this Congress has to send a clear message that China must become a responsible player in a multilateral trade. The Chinese export-driven strategy is smart, but subsidizing by suppressing their currency is an unfair way to do it.

This legislation is a good step, but it's not my preferred step. I would prefer the United States, together with our partners, bring a multilateral WTO case against China on the currency issue. Absent that, this commonsense legislation helps the Commerce Department do a fair job of making the multilateral mechanisms more available to U.S. businesses.

This legislation sends a clear signal that the American people respect international agreements and expect fairness. After years of an unlevel playing field, it is time to act, and this legislation is the right kind of measured first step we must take now.

I urge the passage of this bill.

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

I appreciate the effort, Mr. Speaker, by Chairman LEVIN to address the concerns of Ranking Member CAMP and other Republican Members that were raised at our various hearings. And while the revised version addresses the WTO consistency issue, my view is that, on balance, the promises that this bill makes to compel China to appreciate its currency to reduce the trade deficit and to create U.S. jobs won't be realized, and, therefore, I oppose this bill.

Rather than focus on China's currency policy alone, a priority must be creating American jobs by promoting U.S. exports, and this bill doesn't do enough to provide new market access for American businesses, farmers, and workers. If we are to meet the President's goal of doubling exports, we must focus our energy on tearing down real substantive barriers to U.S. access to China's consumers. We must require China to better U.S. intellectual property rights and end its directed lending, cease its innovative policy, and move other artificial barriers to U.S. exports. Such an effort would benefit thousands more American workers than the focus on China currency alone.

I am concerned that moving on this bill makes it more difficult for us to resolve these other issues, and I think we ought to be careful to avoid doing more harm than good in tearing down these barriers.

Breaking down barriers to U.S. exports is difficult work and requires concerted effort by Congress and the administration. To begin with, rather than merely paying lip service to new and pending trade agreements, we have to find a way to move these agreements forward.

Currently, there is no clear end date for concluding the Trans-Pacific partnership negotiations, no plan from the administration on how it intends to resolve issues related to the U.S.-Colombian, -Panama trade agreements, and just limited discussion on the U.S.-South Korea trade agreement.

The administration must also return to the negotiating table and complete bilateral investment treaty negotiations with China. Entering into a bit with China could help on many of these issues and is necessary to ensure that Americans have the same rights in China as our other trading partners.

Mr. Speaker, while this bill is improved from its original version, it is no substitute for a comprehensive China policy that the administration and the majority have failed to give us. I urge, and strongly urge, a ''no'' vote on this legislation.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, it is my privilege to yield 1½ minutes to the gentleman from Massachusetts (Mr. NEAL), another active member of our committee.

Mr. NEAL. I thank the gentleman.

Mr. Speaker, this legislation is about supporting American manufacturing jobs, plain and simple. The Peterson Institute suggests that this would increase American exports by $100 to $150 billion a year. The Ways and Means Committee held three hearings on this issue which confirmed that China is deliberately intervening in currency markets to continue its unfair advantage over American manufacturers and workers.

The committee reported out a bipartisan bill with important changes to make it fully consistent with WTO rules. In short, this bill allows currency manipulation to be considered in trade remedy cases. It is consistent with a free market solution to enabling fair trade.

□ 1620

Lawrence Lindsey, who was President George W. Bush's own economic adviser, said, ''The Chinese clearly undervalue their exchange rate. It is the Chinese Government, not markets and not Americans, who are shaping how much is bought and from whom.'' This bill is not a solution to all the challenges relating to U.S.-China trade, but it is a significant and much-needed trade remedy tool to help American business and workers compete.

New initiatives such as this are needed in response to negotiations that

time and again have been stymied in both Democratic and Republican administrations. This is a good step in the right direction.

Mr. BRADY of Texas. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY), who has played a key role in opening trade barriers for U.S. products.

Mr. BOUSTANY. Mr. Speaker, let me just be clear to start. China's currency policy is wrong, and it is harmful for the U.S. and for China. But it is one of many problems, a whole host of problems that we have heard about: indigenous innovation, IPR protections, licensing and standards, all of these nontariff barriers that we have heard so much about.

So if we're going to look at how we approach this, we have to, A, be consistent with our WTO and other international obligations; and, B, whatever we do has to be effective. Those are the parameters that Secretary Geithner himself laid out. I have questions as to whether this approach will meet either of those. Yes, the bill on its face is WTO compliant. But if we are to implement this connection between countervailing duties and currency valuation, I believe that will be subject to challenge. And I regret that we have not heard from the Department of Commerce, U.S. Trade Rep, Treasury on their read on this. In fact, the administration's not even made a statement with regard to this bill as to the effectiveness or as to whether or not it is consistent with our international obligations.

But to a broader point: If we're going to have leverage, we need trade policy, and we do not have a trade policy. Ranking Member CAMP has already made the statement that we have had nothing beyond this in the discussions about what are we going to do to really have leverage and to move forward with a trade policy. I have heard from the administration that we do need to move the South Korean free trade agreement. Clearly we need to do that. We need a bilateral investment treaty with China and with other countries. We have had no movement on that.

Finally, I just think it's unacceptable that this administration did not send a representative to the ASEAN conference in Asia recently. We are not even showing up on the playing field. How can the U.S. be truly credible if we're not actively engaged in a trade policy that makes sense? U.S. credibility is on the line. We have to prove that we keep our commitments.

Passing this bill is going to do nothing to solve our trade imbalance with China. It is not the kind of tool, I believe, that we need. We need to move forward in multilateral negotiations in a vigorous way and enlist other allies who also have the same concerns that we do.

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

Mr. BRADY of Texas. I yield the gentleman 1 additional minute.

Mr. BOUSTANY. We are starting to see the makings of a currency war out there, where others are devaluing their currencies at our expense. That's why this needs to be addressed at a multilateral level. I feel we can do this in a responsible way. So because of these concerns, I am going to oppose this bill.

But I do want to thank you, Chairman LEVIN, for working back from what was originally a very bad bill to something that is improved. I think we can do better. I can only wish that we were able to work further on this to where we could have a truly strong bipartisan agreement to approaching our very complicated and important commercial and economic relationship with China.

Mr. LEVIN. I now yield 1½ minutes to the gentleman from California (Mr. BECERRA), another very distinguished member of our committee.

Mr. BECERRA. Mr. Speaker, we can talk or we can act. International trade is a high-stakes, cutthroat business. And every time we simply talk, the other side acts. And every time they act, an American loses a job. It's time for us to do what American workers for the last several years have been asking us to do, and that is to take action against what we know are unfair trade practices going on which cause us not only to lose jobs but to lose American businesses that can't continue to sustain themselves here and move abroad.

We know that the Chinese have been playing with their currency. Everyone knows that the Chinese have been playing with their currency. The Chinese know it. You know what? They are going to do everything they can for their workers. They are going to do everything they can for their businesses. You can't beat them for that. But please, let's not let them beat us at what we can do well. And that's why it's time to do this legislation.

Some credible estimates say that if we were to act on China's currency manipulation, we could return 1 million American jobs to this country, that we could reduce our $250 billion trade deficit by $100 billion with China. It is time for us to take action because the Chinese are certainly taking action. We can either take bold steps, as the American public has asked us, or we can take baby steps.

It's time for us to recognize that Americans are doing the best they can to produce American products so we can sell them, not just here but abroad. But if we allow someone to manipulate their currency by 25 to 40 percent, making their products look cheap here and making our products look expensive abroad, then guess what? Shame on us, because the American public is working very hard. It's time to pass this legislation. It's time to take bold steps, not to take baby steps.

Mr. BRADY of Texas. At this time I yield 3 minutes to the gentleman from Pennsylvania (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman for yielding. And I thank my colleague TIM RYAN, who is the Democrat lead in this, and I am the Republican lead on this. We know this is an important bill.

You know, the perfect is the enemy of the necessary. We are arguing about trade policies, what the WTO might think, what China might think, what negotiations might happen while the American people are out there saying, What are you doing about our jobs? China has been involved in a number of things, such as steel dumping and dumping products here, and setting these unfair currency practices which lead to up to a 40 percent discount. And while American companies see their factories close and American workers get their pink slips, they wonder if Washington gets it. Well, we do, and today is our chance to make good on that.

There was a time when ''Made in the USA'' was a standard for the world. It was a matter of fact that you owned the best. We earned that esteem. And now we are about to lose our position as a global leader when next year China overtakes us as the biggest manufacturer in the world. You know, the trouble is that China has never really accepted the basic rules of fair trade, and that's what we're standing for in this bill, fair trade.

Former Bush administration Commerce Secretary Carlos Gutierrez said that China's currency valuation does not yet adequately respond to market forces. Treasury Secretary Tim Geithner said similar things, believing that China is manipulating its currency. President Obama said the same thing and said, We need a two-way street. But unfortunately, when President Obama goes to talk to the Chinese, they push him back in a corner because we've got $800 billion in debt to them, and they continue to stall and stall.

Now I don't care who is in the White House, Republican, Democrat, whoever. But I don't want another country saying to my President that we are not going to talk to you about these things and somehow make it sound like it is the United States' fault. This is an issue that Republicans and Democrats alike are backing, and action delayed is action denied. Only when our government starts pursuing policies that cultivate rather than stifle American manufacturing and holds China and other trading partners fully accountable for cheating on trade will we begin to revitalize that manufacturing sector which we have lost ground on.

If we unleash our factories and workers from the constraints of an overly burdensome taxation and regulatory requirements, giving them the tools they need to ensure that all countries play fair and by the rules, the American manufacturer will win in the global marketplace every time. With its dedicated workforce and demonstrated ingenuity, American manufacturing has a chance not just to repair our economy, not just lead us out of debt

and deficit, but to create hundreds of thousands of new, well-paying, high-quality jobs.

We in Congress must do everything we can to support American manufacturing in this goal and not stand in their way and not quietly wring our hands and worry. We can start by passing the Currency Reform for Fair Trade Act tomorrow, because in matters of economic and job diplomacy, we can speak softly, but it sure is nice to carry a big stick.

□ 1630

Mr. LEVIN. I yield 1½ minutes to the distinguished gentleman from California (Mr. THOMPSON), another member of our committee.

Mr. THOMPSON of California. Mr. Speaker and Members, I rise in support of this legislation in part because it will help level the playing field for America's renewable energy manufacturers. China has time and again turned to unfair trade practice to promote their manufacturers, and it is time we put a stop to that.

For example, solar panel technology was developed in America. Yet in 2008, China became the largest producer of solar panels in the world. Right now it is cheaper to purchase Chinese-made solar panels here in the United States because of China's manipulated currency. This is unacceptable.

In my district our solar manufacturers compete on a global scale, but they are at a huge disadvantage because of China's current policy.

The solar and renewable energy sector creates tens of thousands of jobs, generating more jobs per megawatt of capacity than any other energy technology.

Further, petroleum currently accounts for half of our total trade deficit. By investing in and supporting our renewable energy manufacturers, we can help close our trade deficit and stop giving monies to countries who, in about 40 percent of the cases, are not our friends.

It is time to support American jobs, American renewable energy manufacturers, and, again, bring those jobs home. I urge my colleagues to vote in favor of H.R. 2378.

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

Mr. LEVIN. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), another very, very distinguished member of our Ways and Means Committee.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, and I appreciate his leadership in working to have a piece of legislation here that can be brought forward in a bipartisan fashion, listening to the concerns that were expressed repeatedly to our committee.

I come from an area of the country that is intensely trade dependent. Some of our iconic brands, Nike, Harry and David, Columbia Sportswear, would not exist without strong international partnerships.

Oregon's largest private employer, Intel, is a product of the international market for high-tech products. This makes a difference to people in my community. When we find, as the International Monetary Fund has found, the currency of the Chinese is significantly undervalued, it makes the United States exports more expensive in China and Chinese imports cheap in the United States and third country markets.

My support for trade is contingent upon our making sure that we are using the tools in an aggressive fashion. We should be using all of the tools in our national trade tool box, the WTO, our bilateral agreements, shared agreements, forums that the United States and China are party to, U.S. domestic law, all of these to make sure that we are ensuring this level playing field that people are talking about here.

If, as has been estimated, China's currency policy could reduce our gross domestic product by over a percentage point when we are trying desperately to jump-start the economy, this is precisely the policy we should do moving forward.

Mr. Speaker, I appreciate having an opportunity to vote on this today. I think this sends a strong signal that we want our international trade regime to work, that we are not just mindlessly entering into these agreements, but we are going to make sure that they are enforced. This an important step.

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

Mr. LEVIN. I yield 1½ minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), another distinguished member of our committee.

Ms. LINDA T. SÁNCHEZ of California. I thank Chairman LEVIN and Ranking Member CAMP and Representatives RYAN and MURPHY for their leadership on this important bill, which I strongly support.

Mr. Speaker, this bill is about protecting one thing, the American economy. We must give American businesses a fair opportunity to sell their goods abroad and challenge underpriced Chinese imports.

This bill does that. It gives us stronger tools to address currency manipulation and protect American businesses. We can compete and win against any nation in the world if we're all playing by the same rules. China isn't.

Opponents say that this bill will start a trade war. I say we are already in a trade war and China is using cannons, and we are standing here shooting BB pellets.

Some say ''Let's wait.'' I say we have waited long enough.

When China joined the World Trade Organization in 2001, promises were made. We have held up our end of the bargain. China has not.

It has manipulated its currency, condoned intellectual property theft, and looked the other way while its businesses advertise schemes to avoid paying us the duties that we are owed.

For nearly 10 years, the prior administration failed to address the currency problem. Meanwhile, unfair Chinese imports caused small businesses across the country to close their doors, including one in my own district, Michels Furniture Store in Lynwood, California.

For nearly 10 years, our go-slow approach allowed China's job-killing mercantilist currency policy to flourish. The time for waiting is over.

Given the unemployment rate in this country and the economic pain that families feel in my district, shame on us if we fail to support this bill.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, today's debate has been a decade in the making. While this Congress and administrations of both parties fiddled, American manufacturing burned.

Michigan workers make an average of $12,000 a year less than they did just a decade ago. Our trade deficit has skyrocketed, with manufacturing goods deficit up 3,000 percent. It is no accident and it is no coincidence. Chinese currency manipulation is the driving force behind this destruction.

Chinese currency is at least 25 percent below where it should be, making their goods cheap and destroying our manufacturing base.

In Michigan alone, Chinese currency manipulation has destroyed some 68,000 jobs in Michigan. In my district, some 4,500 jobs are gone because this Congress and both the Bush and the Obama administrations have refused to do anything but talk on Chinese currency manipulation.

Today's vote is a tough, first step toward fair trade with China. Fair trade and the livelihood of Michigan workers finally lets them compete on a level playing field with the start and the passage of this bill.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. SLAUGHTER), the very distinguished chair of the Rules Committee.

Ms. SLAUGHTER. I am going to forego the niceties of congressional conversation this afternoon because I have only got a minute to tell you what I really think. There are times when the timidity of the Congress of the United States absolutely overwhelms me into anger.

We have sat by in this country since the Second World War was over, watching American jobs go to rebuild the economies of Germany, Japan and Korea, one after the other. We have gone way too far. We have jeopardized our own well-being.

If we believe that we can be a superpower, the superpower, and not manufacture anything, I think we are sorely mistaken. When we are dependent on other countries for all the goods that we need, not only domestically but

militarily, I think we are in a sorry shape.

Now, our trade policies that we have had have been awful, and it is bipartisanly awful. But I will tell you right now that as far as I am concerned, and I hope a lot of my colleagues agree with me, until we get reciprocity, until every trade agreement that we pass says that that country has to open its borders completely to trade from the United States of America, we don't have anything.

We are way late on this. We are 20 years too late to be doing this. We are right at the brink right now of financial disaster in this country. Those jobs that we have lost are not coming back. We have got to be rebuilding a new economy. We can't do it if China is going to do it all first and get there and dump on us and undercut.

So not only pass this bill today, but demand stronger policies in this country to save us for our next generation.

Mr. BRADY of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING), who is focused on jobs, spending, and getting this economy back on track.

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, as I look at the available evidence, I believe that the preponderance of the evidence does show that China is manipulating its currency. So I don't question the problem; I question the remedy. And I question whether or not punishing American consumers is the right remedy to apply to this situation. I believe that, ultimately, if this legislation is enacted, that is what will happen.

We know already—we don't know what the estimates are, 5 to maybe 30 percent—that the renminbi may be overvalued. And China should let their currency float.

□ 1640

It is wrong what they're doing. They are hurting their own people by doing what they're doing.

But in addition, Mr. Speaker, one thing I do know they are doing is they are subsidizing goods to the American people at a time when many family budgets are being strained. The available evidence shows that if this was passed, if actually the renminbi was revalued, that prices for many of these Chinese goods may go up 10 percent. A pair of shoes that a mother needs for her child to go to school, maybe it is a pair of glasses, maybe it is toys at Christmas, all become more expensive.

So to some extent there is a question: Should we pass a law, pick winners and losers between manufacturers and consumers? Is that something we should be doing? I am not sure that it is.

In addition, Mr. Speaker, we all know our history. We know that presently we are still mired. Whether or not some Bureau economist tells us we are out of a recession, we know that people in our districts continue to suffer through probably the greatest economic crisis we have seen since the Great Depression. One of the most exacerbating factors happened to be the Smoot-Hawley tariff. I fear a trade war.

Now, some say we are already having a trade war. Well, by historic standards, we are probably having a trade skirmish. But we know that already the administration last year elected to impose tariffs on Chinese tires. And, guess what? They imposed tariffs on our poultry, one of the few areas where we actually had a favorable balance of trade, and so import tariffs up to 105 percent on U.S. exports of poultry. So any type of jobs that may be gained in manufacturing just might be lost in agriculture or some other area.

I am not convinced that the proponents of this bill have made the case that, on net, this would even create more jobs in America. It certainly would create more in one sector than another. But, again, precipitating a trade war at a time when we are in tough economic times, making it more difficult for consumers to afford the items they need to provide for their families, I think is unwise public policy. So I would urge defeat of this legislation.

Mr. LEVIN. I yield myself 10 seconds. To the gentleman who just spoke, without a job, one can't buy goods at any price. This bill is about jobs.

I now yield 1 minute to the gentleman from Ohio (Mr. BOCCIERI).

Mr. BOCCIERI. Mr. Speaker, the American people are watching. While we may wear different jerseys, we are supposed to be playing for America, and this vote today is about whether we are going to stand up and fight for Americans.

Just last week, the Chinese Government ordered all our domestic manufacturers who are building cars in China to turn over all their battery technology. Ohio, who has 25 percent of her economy based on the automotive industry, cannot afford to stand on the sidelines as countries like China refuse to play by the rules.

Critics believe that this legislation could start a trade war. America is already in a trade war, and the question is whether the U.S. Government is going to show up for the fight. And forcing the agreed-upon trade rules is not protectionist. In fact, the Chinese practices like currency manipulation and illegal subsidies are protectionist.

In 2005 Ohio lost more than 183,000 manufacturing jobs because of bad trade deals. I say that you can't afford to buy tennis shoes if you don't have a job. And that is what this bill is about.

In the past 2 years alone, workers from nine local companies in my district received trade adjustment assistance as a result of bad trade deals.

We respect the Chinese culture, their people, and their workers, but we are playing for America. We have got to build it; we have got to assemble it, and we have got to manufacture it here in our country. We can't be the movers of wealth; we have to be the producers of wealth, and it starts with this vote today.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. I rise in support of the resolution.

I think that the Chinese clique that dominates that country has not only mistreated its own people, because they are the worst kind of tyrants one can imagine, but they have also been treating the American people in a malicious way as well.

The fact is that we have adopted policies that are very positive toward the Chinese and the Chinese Government that have been to the detriment of the people of the United States. We have permitted a one-way free trade policy. We have permitted a lack of access to their markets while they have total access to our markets. We have put up with the wholesale theft of American technology. And, yes, we have put up with the fact that they have manipulated their currency in a way that ensures the flow of wealth into their society as opposed to an equal relationship that would benefit both countries.

What we have to do is decide are we going to permit the clique that runs China to continue to do great damage to the people of the United States of America, or are we going to provide some sort of action that we can take if they are manipulating the currency in a way that shifts the wealth from our society and the jobs from our society and transports them to China?

And let me note this. In a dictatorship like China, we are not talking about wealth that is raising the standard of living of their people. We are talking about wealth that, in the end, is manipulated and controlled by a clique of gangsters who are the worst human rights abusers in the world. And what are they doing with this profit that they make from this unfair trade relationship and manipulation of currency? They are building a military, a modern military based on technology that they have stolen from us and an unfair trade relationship that we have acquiesced to over the years.

It is about time we have legislation that will at least prevent them from manipulating the currency and give us an alternative action that we can take to try to prevent the manipulation of currency on the part of the Chinese. So I rise in support of this resolution.

Mr. LEVIN. Mr. Speaker, I now yield 1½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE), a member of our Ways and Means Committee.

Mr. ETHERIDGE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of fair trade and making sure other countries play by the rules and in support of H.R. 2378, the Currency Reform for Fair Trade Act.

Just this week, China announced tariffs as high as 105.4 percent on U.S.

poultry because of a trumped-up dumping charge. But the real trade distortion in the U.S.-China relationship is currency manipulation—a huge subsidy to their manufacturers and a hidden tariff on U.S. goods. China's currency manipulation allows them to sell the world cheaper goods, costing us jobs and economic growth.

This bill would give our trade negotiators the tools they need to investigate this manipulation and take action, if appropriate. It would restore balance to our trade relationship.

North Carolina's producers are second to none, and given a level playing field, our workers can compete with anybody. But how are they supposed to compete with a country that manipulates its currency? I say it is not fair.

Mr. Speaker, we should pass this bill and send a clear message to China that it is time to play by the rules. I call on my colleagues to stand up for our exporters, our producers, and the people of America, and join me in supporting American industry and H.R. 2378.

Earlier this week we saw another example of how China refuses to play by the rules for international trade. On Monday, China announced that it would impose steep tariffs on our poultry producers. Because of this decision, some U.S. producers will face tariffs as high as 105.4 percent. China claims that this is in response to ''dumping'' in its market, but we all know that this is actually retaliation for U.S. tariffs on tires. Once again, the Chinese government has shown that it will take extraordinary—and illegal—steps to make sure they enjoy unfair advantages in their trade relationship with the United States.

Nowhere is this unjustifiable trade distortion more evident than in China's intervention in the value of its currency. This currency manipulation amounts to a subsidy: It allows China to sell goods at a cheaper price here in this country, while simultaneously making our exports more expensive. As a consequence, the United States now has a large trade deficit with China; a trade deficit that is now slowing the economic recovery. For the sake of our economy and our country, it is vital that we address this issue.

H.R. 2378 gives the U.S. Commerce Department the tools to examine this matter. It does not force any conclusion be reached, but rather all the facts be taken into account when making a decision as to whether China's currency manipulation constitutes an illegal subsidy. If Commerce finds that China is violating trade law, this bill makes sure the United States takes action to protect our industry, our exporters and our economy. Nothing could be more important.

Trade is good for America, but only if it is fair. My state of North Carolina produces everything from pharmaceuticals, industrial goods such as jet engine parts, to tobacco and textiles. Our farms produce top quality poultry and pork. North Carolina's products are second to none, and, given a level playing field, our workers can compete with anybody. But how are they supposed to compete with a country that manipulates its currency? That's not fair.

I know that some of my friends on the other side of the aisle will object to this bill. Many are fearful that China will react to this legislation by imposing retaliatory tariffs that further hurt our exporters. But China already arbitrarily slaps tariffs on our goods regardless of what we do, as we saw earlier this week. This legislation, on the other hand, complies with WTO laws and precedents, and any retaliation by China because of this bill would be unlawful.

As our trade deficit threatens to sap our economic recovery, we should pass this bill and send a clear message to China that it is time to play by the rules. Some economists estimate that a significant appreciation of the Chinese currency will create 600,000 to 1,200,000 jobs. When many people throughout the country are struggling to find employment, it is the right time to pass this bill.

Mr. Speaker, this bill will ensure our trading partners play by the rules. I call on my colleagues to stand up for our exporters and producers, and join me in supporting American industry and H.R. 2378.

Mr. LEVIN. Mr. Speaker, I now yield 1 minute to the distinguished gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I thank the gentleman for yielding, and I want to thank Chairman LEVIN and Mr. CAMP for bringing this bill to the floor. I want to thank Mr. RYAN and Mr. MURPHY for their very, very good work on this bill.

This is a jobs issue, and there should be no doubt in anyone's mind that that is what we are talking about today.

In 1990, in the State of Indiana, 226,000 more people worked in manufacturing than in government. This year, 7,000 more people work in manufacturing than government, because 165,000 manufacturing employees lost their jobs. That is 165,000 families in the State of Indiana alone that lost good-paying manufacturing jobs. One of the causes is the currency manipulation by the Chinese Government.

□ 1650

We were told by the last administration if we just dialogue with the Chinese, we would solve this problem. We are told by the current administration, if we just dialogue with the Chinese, we will solve this problem. We were told by the Chinese on May 18, 2007, if we just dialogue on this problem, we will solve it.

The solution is on the floor today. I would ask my colleagues to strongly support passage of H.R. 2378, and give this administration the intestinal fortitude to stop dialoguing with the Chinese and to take serious action on jobs.

I strongly support H.R. 2378, the Currency Reform for Fair Trade Act. I am proud to have the opportunity to speak in support of this bill that takes an important step in leveling the playing field for United States manufacturers.

At the outset of my remarks, I would like to applaud the leadership of the Ways and Means Committee, especially Chairman LEVIN and Ranking Member CAMP for bringing this legislation to the Floor. I would also like to commend Representative TIM RYAN, the sponsor of the legislation, and Representative TIM MURPHY, the Vice Chairman of the Congressional Steel Caucus, for their tireless efforts advocating for this much-needed bill.

As the Chairman of the Congressional Steel Caucus, I would like to focus my remarks on the steel industry. In the world of steel, China is of paramount concern. In 2009, China produced 47 percent of the world's total output of steel, which is 567.8 million tons. This is more than double the amount that China produced in 2003. By comparison, last year the United States produced approximately 60 million tons of steel, compared with approximately 100 million tons in 2003. While multiple factors contributed to China's unprecedented increase in production, paramount among them is China's currency manipulation. The undervalued Yuan is perpetuating a destructive trade imbalance and costing American jobs.

Congress must ensure that the U.S. remains a competitive place for manufacturing investment. This requires the U.S. to reverse the unsustainable imbalance that has allowed other nations to adopt policies supporting excessive exports of manufactured goods to the U.S., while we export debt and manufacturing jobs. And we must take action now, as evidenced by a recent report by the Economic Policy Institute, which estimates that the rising trade deficit with China will cost the U.S. over one-half of a million jobs in 2010.

I believe that the passage of H.R. 2378 represents a turning point in the battle to combat unfair Chinese trading practices. And I hope that its passage finally gives the Administration the intestinal fortitude to stop ''dialoguing'' with Beijing and start enforcing our trade laws.

Mr. Speaker, I again want to thank Representatives RYAN and MURPHY and the Committee for bringing this important legislation to the Floor, and I urge my colleagues to support the measure.

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

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I was a bit surprised to hear the gentleman from Texas and a few others on the Republican side find an excuse to oppose this legislation, but, then again, they always find an excuse to side with their international corporate benefactors.

He feigned, ''Oh, my god, the American people won't be able to afford shoes for their kids next fall because we won't have those cheap Chinese imports shutting down American factories.''

Now, what the Americans need are jobs. We don't need jobs in China; we need them here. And with an unfairly priced currency, we are losing more and more manufacturing.

When the Republicans controlled everything from 1994 to 2006, or the Congress and the presidency for a good part of that time, our trade deficit with China went up 806 percent, and they did nothing. But they can find little problems here and there with this legislation.

They are worried about a trade war. We are at war. We are having a trade war with China. They are supporting capitulation, and we are finally starting to fight back from this side of the aisle.

No, no excuses. Plain and simple: Are you with the American people and fair

trade, or are you with the Chinese and the big international corporations and their excuse for free trade, which is manipulated currencies, trade barriers, and taking our jobs away from our workers. Plain and similar: Where do you stand?

Mr. BRADY of Texas. Mr. Speaker, I yield myself 15 seconds.

I would make the point that the Chinese currency appreciated 20 percent during President Bush's administration. It had no impact on the trade deficit. It has only appreciated 5 percent under the current administration, with no impact on the trade deficit.

I reserve my time.

Mr. LEVIN. Mr. Speaker, it is now my special pleasure to yield 2 minutes to the gentleman who is an original cosponsor of this important legislation, the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Let me thank the chairman for his good work. Let me thank Speaker PELOSI for her giving us this opportunity to bring this bill to the floor, and Leader HOYER, who was very instrumental in our Make It In America project, of which this is a major component.

In the late 1970s, the top 1 percent of the people in our country controlled about 9 percent of real income, and in 2007, the top 1 percent controlled about 23.5 percent of real income. If you go back and see the amount of time families worked in the late 1970s compared to today, the average family works about 12 weeks more a year than they did back then.

So the average family is making less, working longer, sometimes two or three jobs just to make ends meet, and part of the problem has been this erosion of the manufacturing base. And what we are talking about with currency manipulation is the Chinese Government artificially subsidizing every single product that lands on our shores here in the United States. So, yes, it may be cheap, because it is being subsidized by their government, but it is putting American workers and American manufacturers out of business.

If we are going to resuscitate this economy, we have got to focus as a nation on making things in America again. And if you look at the list of the supporters of this bill, tool and die manufacturers, corn growers, the supply chain for all of our manufacturing that happens in the United States, they are all supporting this bill, along with all of the workers groups, all of the unions.

This is something we can all agree on. It will stimulate our economy and not add one dime to the deficit, and that is what this is about.

For every manufacturing job, you get five or six or seven spinoff jobs. Manufacturing jobs pay more. There are more patents, more innovation, more research and development.

This is about taking our country back. You wonder why people are anxious out there? They have been working longer, working more, and getting paid less. I would be anxious too. I would be upset. That is what we are feeling in the country.

I think this bill is an opportunity for us to reinvest back in the United States, put people back to work, and have good, middle class jobs here in the United States.

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

Mr. LEVIN. Mr. Speaker, how much is there on both sides?

The SPEAKER pro tempore. The gentleman from Michigan has 11 minutes remaining. The gentleman from Texas has 10¾ minutes remaining.

Mr. LEVIN. It is now my pleasure to yield 1 minute to the gentleman from Maine (Mr. MICHAUD), an active participant in discussions of trade issues.

Mr. MICHAUD. Thank you very much, Mr. Chairman, for yielding, and I also thank you for your leadership on this issue of bringing this bill before the House.

Mr. Speaker, I rise today to express my strong support for H.R. 2378. This issue is simple: China's currency manipulation is illegal, and it costs Maine jobs. Just ask the Sappi Fine paper mill workers in Westbrook and Skowhegan, or those at the NewPage mill in Rumford. They have seen their coworkers get laid off and were certified for Trade Adjustment Assistance because of cheap Chinese paper imports.

In fact, over 9,000 Mainers in all sectors have lost their jobs because of our trade deficit with China, which is directly related to their currency manipulation. Companies like NewPage and Sappi Fine can't compete when China doesn't play by the rules.

This bill will help us hold China's feet to the fire for their unfair trade practices. It will make sure American companies are competing on a level playing field. And it will save American jobs.

I urge my colleagues to vote for this critical bill.

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

Mr. LEVIN. Mr. Speaker, it is now my pleasure to yield 2 minutes to the very distinguished gentleman from New York (Mr. RANGEL).

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

Mr. RANGEL. Let me congratulate the chairman and the ranking member of Ways and Means for coming together to have this civil type of discourse, having our staffs work together, agreeing on some things, disagreeing on others, but showing that bipartisanship, while it might be in intensive care, at least on the Ways and Means Committee it is not dead.

Mr. Speaker, we do recognize that there is a split among business people as to whether or not we should go forward with this bill that would point out to China, as so many developing countries would like to, but they certainly don't have our leverage, that it is time that they be fair in terms of international trade.

Those people who buy from China and enjoy the lower prices, I can understand why they would not support the equity that we are seeking in international affairs, as well as in the WTO.

But for those Americans who take a deep-seated pride when they see ''made in the USA,'' when we know we can make it in the USA with jobs, then we don't get excited about the number of jobs that occur in China, but believe that it is patriotic, and if it hasn't reached that level, then certainly it is in the best interests of the United States of America, to say that we supported you, we supported you in getting into the World Trade Organization, with that comes some obligation. And if the President cannot succeed in persuading them, as he said, there are other means which we can use as a nation to encourage them to do the right thing.

So, Mr. Speaker, I hope that the chairman here and the ranking member could find some other things before we go home that we can come together on. But until that happens, congratulations to both of you.

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

Mr. LEVIN. Mr. Speaker, I now yield 1½ minutes to the distinguished gentlewoman from Ohio (Ms. SUTTON).

□ 1700

Ms. SUTTON. Thank you, Chairman LEVIN, for your leadership on this issue.

Abusive trade practices by China have cost American small businesses opportunities and American workers jobs. We've heard the numbers—2.4 million jobs lost across the country, 92,000 jobs lost in Ohio, and 5,700 jobs have been lost in my congressional district due to China's deliberate and abusive trade policies—policies like their blatant currency manipulation that violates their obligations to international trading.

Today, we say we've had enough. Today, we stand with American workers and American small businesses. We send a clear message that American workers and businesses will compete with Chinese workers and businesses but they should not have to compete against a manipulated currency.

China's currency manipulation makes their goods artificially cheaper, costing our workers jobs and our businesses opportunities. Working families around the country see and feel the results of China's misaligned currency. We must stand against it. They see plants closing. They see friends and loved ones losing their jobs. And today, Mr. Speaker, they are seeing us stand up for American manufacturing and American workers and demand a level playing field and an end to China's currency manipulation.

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

Mr. LEVIN. Mr. Speaker, it is now my privilege, a deep privilege, to yield

1 minute to our distinguished Speaker, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank our distinguished chairman of the Ways and Means Committee for the recognition and for his yielding time. I thank him for his leadership in bringing this legislation to the floor. I thank Mr. MURPHY of Pennsylvania and Mr. RYAN of Ohio for their leadership in this important legislation.

Mr. Speaker, for so many years we have watched the China-U.S. trade deficit grow and grow and grow. And today we are finally doing something about it by recognizing that China's manipulation of the currency represents a subsidy for Chinese exports coming to the United States and elsewhere.

Many of us have been working on this issue for decades. Twenty years ago, when the issue of China trade was before the floor of the House, the trade deficit was $5 billion a year. The U.S.-China trade deficit was $5 billion a year. We thought that that gave us tremendous leverage for them to stop violating our intellectual property, to give us market access, to stop nontariff barriers to our products going into China, and the rest. We had other issues with China's proliferation of weapons of mass destruction to Pakistan, with the actions taken in Tiananmen Square, and human rights in China and Tibet. But strictly on the subject of trade, the imbalance was $5 billion, which seems like an enormous amount of money.

We tried through legislation, unsuccessfully, on the floor under both Democratic and Republican Presidents—this is not a partisan thing—and because of the opposition of the administration, we were not able to pass any legislation that said, Halt. We understand the U.S.-China relationship is an important one in every way—culturally, politically, diplomatically, economically, and commercially—but we need to play by the rules.

When China came into the WTO, it was projected that they would play by the rules. But here we are today, and remember, I said the trade deficit was $5 billion a year 20 years ago when we were having this debate then. It is now $5 billion a week. A week. One way that we can address that is to address the issue of China's manipulation of the currency, which, as I mentioned, is a subsidy for their exports.

We believe that passing this legislation here today will give the President leverage in his conversations with the Chinese about how seriously and closely the American people are watching this situation. As part of our Make It In America agenda to stop the erosion of our manufacturing, industrial, and technological base, we have to stop that. It's an economic issue and it's a national security issue that we have the manufacturing capacity to protect the American people in every way.

So this is about America's workers. It's about making it in America so that our people can make it in America for their families, for their communities, for our country, for our economy. Especially now, when we're talking about all the new green technologies and the rest, which are part of the green, clean energy jobs for the future, and we see what is happening in the trade relationship with China on that score, it is absolutely essential, as we go farther into that future, that we do not have unfair subsidies of Chinese exports into the United States in the important competitive arena of innovation and new green technology.

So with this bipartisan legislation, and, again, I commend Representative TIM MURPHY and Representative TIM RYAN, we make it clear that if China wants a strong trading relationship with the United States, it must play by the rules. We owe that to American workers. It is our hope that passing this legislation, again, will give the Obama administration and future administrations greater leverage in its bilateral and multilateral negotiations with the Chinese Government. We do this because 1 million American jobs could be created if the Chinese Government took its thumb off the scale and allowed its currency to respond to market forces.

The bipartisan Ryan-Murphy Currency Reform for Fair Trade Act marks a positive step in the direction of fairness for our workers, opportunities for our manufacturers, and growth for our economic prosperity. I urge our colleagues to vote ''aye.''

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), who is, again, focused on jobs and getting this economy back on track, as well as limiting the size of these dangerous debts and deficits.

Mr. FLAKE. I thank the gentleman for yielding.

I rise in opposition to this bill. There's no denying that there are issues related to Chinese currency valuation. Unfortunately, the passage of this bill today will do little to address those concerns. Instead, approval of this bill will likely only result in retaliatory actions on the part of the Chinese.

A recent letter was penned to leaders of the House of Representatives by a variety of business groups, including the Chamber of Commerce, Business Roundtable, National Foreign Trade Council, and others. They wrote: ''Unilateral legislation, which seeks to increase tariffs on imports from China, is unlikely to incentivize China to move expeditiously to modify its exchange policies. Rather, it would likely have the opposite effect and could engender retaliation against U.S. exports into the Chinese market, currently the fastest growing market for U.S. exports.''

Courting retaliation with no direct benefit likely qualifies for what you would call the very definition of counterproductive trade policy. And it's unfortunate that, as has been said here today before, in 2 years this is about the only trade legislation that we've considered. Certainly, very little to open up new markets. We have three pending trade agreements that languish that should be approved, and yet this is what we're doing. That's really sad.

Later today I think we're considering something like a Made in America Flag Act or something to require that we not import any flags made outside of the U.S. into the U.S. I don't know what's next. Maybe requiring Americans to eat apple pie while they make flags. I don't know. But we're into the crazy season here where we're simply pandering instead of actually addressing what will open new markets and help create jobs in the private sector.

I urge opposition to H.R. 2378.

Mr. LEVIN. I yield 1 minute to the distinguished gentleman and colleague from Michigan (Mr. KILDEE).

□ 1710

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of H.R. 2378, the Currency Reform for Fair Trade Act.

For years, China has unfairly pegged its currency to the U.S. dollar at a fixed exchange rate. It is estimated that this undervalues Chinese currency 20 to 40 percent, allowing them to offer significantly cheaper products for export. American workers are playing by the rules, but they are struggling to compete on the unfair playing field Chinese currency manipulation has created.

Cheap exports from China have contributed to hundreds of thousands of American job losses. In my hometown of Flint, Michigan, unemployment is more than 25 percent. However, currency manipulation is not currently considered when determining export subsidies to assist American businesses. This has to change. We must stand up for our workers and their livelihoods.

H.R. 2378 will make currency manipulation a factor when the Commerce Department awards export subsidies. I have long advocated for fair trade policies that protect American workers. This bill will go a long way toward achieving that goal.

I urge passage of the Currency Reform for Fair Trade Act.

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

Mr. LEVIN. I yield 15 seconds to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I just want to respond to the gentleman from Arizona. He talked about our exporting products to China. This bill would actually increase the buying power of the Chinese consumer because their yuan would be worth more money so they would have more buying power to buy American exports.

So this snake oil that the Chamber of Commerce is trying to send around and scare everybody not to vote for this

doesn't make any sense. The more your currency is worth, the more you're going to be able to buy.

Mr. LEVIN. I now yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank the chairman for yielding.

My friend from Arizona said a few minutes ago, we're in the crazy season. I think on this issue we've been in the crazy season for about two decades. I think when we have a policy that says if the other side doesn't follow the rules, you just ignore it, I think that's crazy. If you have a policy that says if the Chinese manipulate their currency and make it easy to fill the shelves at Wal-Mart but empty the pockets of American workers and you ignore it, I think that's crazy.

So I think the process of going forward when the other side doesn't play by the same rules that we do, that empties factories, empties wallets and empties communities in this country, I think ignoring that is crazy. And I am glad to see that this House on a bipartisan basis for the first time in a long time is saying it's time to stand up for American communities, American companies and American workers and vote ''yes'' on this legislation.

Mr. BRADY of Texas. Mr. Speaker, I continue to reserve.

Mr. LEVIN. It is now my special privilege to yield 1 minute to the distinguished gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Thank you very much for your leadership on this issue.

This is a great day for American job creation, for the American worker, and a very sad day for American politics.

This is simple. If we give the American people, the American worker and American business a level playing field, they will still out-compete the world. We can still make it, build it and grow it better in America than anywhere else, if we give that fair playing field.

What could be simpler than going after China for manipulating its currency and unfairly dumping its products and pushing out the much-needed American manufacturing base that we must be rebuilding rather than suffocating?

If ever there was something we should be able to come together on, it should be standing with American workers instead of Chinese corporations and Chinese rule-breaking. And yet here we have a debate rather than unity.

Earlier today, we fought to extend health benefits to our heroes and their families from 9/11. And while we cheered and saluted, many on the other side of the aisle sat on their hands. Aren't these commonsense things that the American people are begging us to come together and focus on? Commonsense solutions. This is our chance—to fight for American jobs, like the steelworkers in my district. Six thousand manufacturing jobs lost to China in my district alone and 24,000 family members of those who have lost their jobs.

For those who want to play games with this issue, it is long past time to do what is right.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 30 seconds.

I do think it is unfortunate to try to interject partisan politics into a serious issue. There is already concern that after 4 years this bill is now being rushed to the floor a few weeks ahead of the election. I think at this point on an issue so serious, we ought to be thoughtful, understanding there are Members on both sides of the aisle that have come to different conclusions about this bill.

With that, I continue to reserve my time.

Mr. LEVIN. Mr. Speaker, how much time remains on either side?

The SPEAKER pro tempore. The gentleman from Michigan has 2¼ minutes, and the gentleman from Texas has 8¼ minutes.

Mr. LEVIN. I yield now 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank you, Mr. Chairman.

Mr. Speaker, the American middle class has been built on having jobs that allow families to pay their bills, to send their kids to college, to own a home, to save for their own retirement.

The American middle class has been under assault; their wages declining, their jobs being outsourced and sent abroad. Our fundamental responsibility is to give folks who want to work the opportunity to work in jobs that are going to allow them to take care of their families. And if we stand by idly when a competitor country manipulates its currency to put our manufacturers, our workers, at a disadvantage, we are complicit in that. And this is the bare minimum of what we can do—give our workers, give our manufacturers, give our American middle class an even shot at the American Dream.

This legislation is necessary, it's overdue, and it must be passed.

Mr. BRADY of Texas. Mr. Speaker, I continue to reserve.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2378.

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

There was no objection.

Mr. LEVIN. Is the gentleman ready to close?

Mr. BRADY of Texas. I am, Mr. Chairman.

Mr. LEVIN. So am I.

Mr. BRADY of Texas. Mr. Speaker, I yield myself the balance of my time.

This is an issue, I think, where good people can disagree. There is unanimity in the desire for China to appreciate its currency. There are differences of opinion about what impact that truly would have on our complex relationship with China economically. And there have been a number of issues raised throughout the hearings on this bill, and I do appreciate, to Chairman LEVIN, taking into account the number of the objections on the most, we think, troubling provisions that Ranking Member DAVE CAMP from Michigan and others raised during those hearings. I think some of those issues have been addressed in a very positive way, but there are real concerns about how effective this will be, and if it will truly compel China to change its currency regime or that it will significantly change our trade deficit.

I would like to submit for the RECORD a letter sent by, I think, almost 30 of our major job creators in America, groups that represent many of our agriculture companies and workers, our technology sector, our manufacturing and financial services sector, those who produce and sell medical devices and services throughout the world, including groups like the National Retail Federation; the broader job creators like the U.S. Chamber of Commerce, the Business Roundtable and companies that compete and succeed successfully selling U.S. products in China.

This letter agrees with Chairman LEVIN and others that China needs a yuan exchange rate response to trade flows and that China should move rapidly toward that. But it says:

''We do not agree, however, that H.R. 2378 as reported can help achieve that goal. To the contrary, we believe that passage of this legislation is counterproductive not only to the goals related to China's exchange rate that we all share but also to our Nation's broader goals of addressing the many and growing challenges in the U.S.-China economic relationship, including inadequate protection of intellectual property, restrictions on market access, financial services liberalization, export of commodities such as rare earths, discriminatory indigenous innovation and other industrial policies. Above all, this legislation will do more harm than good to job creation and economic growth at a time when we need both dearly.''

The point of that, I think, is that there are a number of barriers to selling U.S. products fairly and successfully in that growing Chinese market. We all have the same goal. How we achieve it is where we honestly differ.

□ 1720

This group concludes this way:

''We share Congress' desire to have China act more quickly to adopt a market-determined exchange rate, but the proposed unilateral measure is not going to achieve that result. We urge you to oppose H.R. 2378 and, instead, work with and vigorously call on the administration to develop a robust bilateral and multilateral approach to

achieve tangible results, not only on China's exchange rate policies, but also on other Chinese policies that are harming American businesses, workers and farmers.''

I think that is the point, perhaps, of those of us who believe this bill will not achieve what we hope.

While I urge opposition of this bill, there are those who believe that, as we move forward, regardless of the outcome, we ought to, Republicans and Democrats, join hands and insist on fair access to Chinese markets, on a level playing field and on a growing trade relationship that is balanced to increase Chinese consumption, as well as to increase U.S. savings that will rebalance the trade relationship for decades to come. We share those goals and look forward to working with those in Congress who also share them.

SEPTEMBER 28, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
U.S. Capitol, Washington, DC.
Hon. STENY HOYER,
Majority Leader, House of Representatives,
U.S. Capitol, Washington, DC.
Hon. JOHN BOEHNER,
Republican Leader, House of Representatives,
U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI AND LEADERS HOYER AND BOEHNER: Like Congress and the Administration, we agree that China needs a yuan exchange rate that responds to trade flows and that China should move rapidly towards a market-determined exchange rate. In addition to continuing U.S. government efforts, our organizations support strong, coordinated and enhanced multilateral pressure, including at the early October Finance Ministers' Meeting in Washington and continuing at the November G20 Leaders' Meeting in Seoul, to achieve concrete progress on China's currency and exchange rate policies.

We do not agree, however, that H.R. 2378 as reported by the Committee on Ways and Means can help achieve that goal. To the contrary, we believe that passage of this legislation is counterproductive not only to the goals related to China's exchange rate that we all share, but also to our nation's broader goals of addressing the many and growing challenges in the U.S.-China economic relationship, including inadequate protection of intellectual property, restrictions on market access, financial services liberalization, export of commodities such as rare earths, discriminatory indigenous innovation and other industrial policies. Above all this legislation will do more harm than good to job creation and economic growth at a time when we need both dearly.

Unilateral legislation, which seeks to increase tariffs on imports from China, is unlikely to incentivize China to move expeditiously to modify its exchange policies. Rather, it would likely have the opposite effect and could engender retaliation against U.S. exports into the Chinese market, currently the fastest-growing market for U.S. exports. Our companies do not fear retaliation—if it were based on WTO-consistent actions that would achieve the desired result, with benefits outweighing the costs. But counterproductive tariff legislation will not get us closer to the goal of a market-driven exchange rate and will shift the focus away from the core issue of China's currency and onto U.S. unilateral action. Such an action would embolden PRC retaliation and undermine U.S. government efforts to address a growing number of discriminatory Chinese policies, weakening our economy by harming American exports of manufactured goods and farm products.

Despite efforts to make H.R. 2378 consistent with the rules of the WTO, it is not clear that the legislation meets the WTO's standards for the application of countervailing duties (CVDs). The legislation would require the Commerce Department to estimate what the ''true'' exchange rate is, a process that will be highly subjective and potentially politicized. Since application of CVDs to imports from China on the basis of this legislation is of questionable WTO legality, China would almost certainly challenge this action as violative of U.S. WTO obligations, which would focus the world's attention on the United States and WTO technicalities, and away from China's exchange-rate policies.

We share Congress' desire to have China act more quickly to adopt a market-determined exchange rate. But the proposed unilateral measure is not going to achieve that result. We urge you to oppose H.R. 2378 and instead work with and vigorously call on the Administration to develop a robust bilateral and multilateral approach to achieve tangible results not only on China's exchange-rate policies, but also on other Chinese policies that are harming American businesses, workers and farmers.

Sincerely,

Advanced Medical Technology Association (AdvaMed); American Chamber of Commerce in China; American Chamber of Commerce in Shanghai; American Chamber of Commerce in South China; American Apparel & Footwear Association (AAFA); American Soybean Association; American Meat Institute; Business Roundtable; Coalition of New England Companies for Trade (CONECT); Coalition of Service Industries; Consumer Electronics Association; and Corn Refiners Association.

Distilled Spirits Council of the United States; Emergency Committee for American Trade (ECAT); Fashion Accessories Shippers Association (FASA); Financial Services Forum; Financial Services Roundtable; International Dairy Foods Association; Los Angeles Customs Brokers and Freight Forwarders Association; National Cattlemen's Beef Association; National Customs Brokers and Forwarders Association of America (NCBFAA); National Fisheries Institute; National Foreign Trade Council; and National Retail Federation.

Pacific Coast Council of Customs Brokers and Freight Forwarders (PCC); Retail Industry Leaders Association; Securities Industry and Financial Markets Association; Sporting Goods Manufacturers Association; Toy Industry Association; Travel Goods Association (TGA); United States Association of Importers of Textiles and Apparel (USA–ITA); U.S. Chamber of Commerce; US-China Business Council; U.S. Council for International Business; USA Poultry & Egg Export Council; and Washington State China Relations Council.

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

Mr. LEVIN. I yield myself the balance of my time.

Mr. Speaker, international trade is here to stay. The question before us today is whether we shape its course or simply let it roll—whether there are rules of competition that allow us to compete or whether we look the other way.

A 25–40 percent tilt against us is unacceptable. This bill says we cannot and will not look the other way. We are going to act. I say the more multilateral effort the better, but the lack of it should not leave us without a remedy.

China's manipulation of its currency is a major unilateral act, and we need to act. The President of our country said to the Chinese Premier, ''Make your currency flexible or we have other means.'' This is just such a means.

This is a real problem. No more excuses. Goodwill isn't enough. We need a real answer. This is a real answer. Support this legislation.

Mr. PASCRELL. Mr. Speaker, I want to thank Chairman LEVIN for bringing this bill to the floor today, as well as the sponsors of this legislation, Mr. RYAN and Mr. JOHNSON for working in a bipartisan way on behalf of America's workers and manufacturers.

In the Ways and Means Committee, we have studied how China uses ''state capitalism'' to manipulate world trade to give its industries an unfair advantage over the rest of the world, at the expensive of our workers and businesses.

Currency manipulation is just the tip of the iceberg. China provides government subsidizes to favored industries—notably green technology, selectively rebates its value added tax to penalize imports and encourage exports, imposes restrictive local content rules, and practices an ''indigenous innovation'' policy. We must deal with each of these issues as a part of a broad strategy.

Everyone acknowledges the reality that China's currency is fundamentally undervalued. My friends on the other side of the aisle, the Administration, our international partners, and even China itself have all said the RMB could and should appreciate.

However, despite this widespread consensus, China has not taken any meaningful steps to correct this manipulation that disrupts the flow of international trade.

With the passage of this bill today, we signal to China that enough is enough. The free ride is over. We will not stand by while we lose 1.5 million Americans jobs and shave 1.5 percent off of our GDP every year.

I hope that this legislation will cause China to change its behavior and strengthen the Administration's hand in multilateral negotiations. But after 8 years of asking nicely, the Congress will not be silent anymore.

We must allow American industries to respond to the injury being caused by this policy, and H.R. 2378 will help level the playing field, plain and simple—when the playing field is level, the American worker can out-compete anyone.

Our system of international trade only works when everyone plays by the same rules. By passing this legislation, we stand up for that system, and stand up for American workers and businesses.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 2378, the Currency Reform for Fair Trade Act. For every worker, every business, and every nation to get a fair shake in today's global economy, everyone must play by the rules. For too long, China has violated the rules of the global economy by deliberately undervaluing its currency. This practice reduces the costs of Chinese exports and makes it more expensive to export U.S. products to China, giving China an unfair advantage and making it difficult for U.S. companies

to compete. I hear far too often from workers in central New Jersey who have been victims of this unfairness. They are laid off as their employers are undercut by Chinese competitors and forced to cut jobs or go out of business.

That story is repeated time and again around the country, and our economy suffers. The U.S. trade deficit with China ballooned from $10 billion in 1990 to $226 billion in 2009. Economists estimate that China's currency manipulation reduces U.S. Gross Domestic Product by 1.4 percentage points annually and has led to the loss or displacement of millions of manufacturing jobs over the last decade. One recent study concluded that the increasing trade deficit with China will cost over 500,000 U.S. jobs in 2010 alone.

The Currency Reform for Fair Trade Act gives the Department of Commerce the necessary tools to combat unfair manipulation of foreign currencies. Upon finding that currency manipulation meets the criteria for an export subsidy, the Department will have the authority to correct the unfair advantage by impose countervailing duties that are consistent with World Trade Organization regulations. When they have a level playing field, Americans can and will out-compete their international counterparts every time. Passing this bill is an important step in preserving a fair world market for U.S. goods, revitalizing our domestic manufacturing base, and creating jobs for American workers.

Mr. KUCINICH. Mr. Speaker, I rise in strong support of H.R. 2378, the Currency Reform for Fair Trade Act. This legislation addresses the suppression of the renminbi—or RMB—the official currency of the People's Republic of China. The suppression of the RMB allows China to make its exports cheaper and thus makes foreign imports into China more expensive. As Chinese trade deficits continue to grow, so too does the negative impact on American workers, many of whom have been displaced by the growing trade deficit.

This legislation requires the Department of Commerce to levy countervailing duties if the affected U.S. company can prove it has been ''materially injured'' by imports from any country with undervalued currency. I strongly support the legislation and the remedial tools it provides to the Department of Commerce and American workers.

According to the Economic Policy Institute (EPI), ever increasing China trade deficits will displace between 512,000 and 566,000 jobs in the U.S. just this year. Between 2001 and 2007, 561,000 jobs were displaced by the China trade deficit. Two-thirds of the jobs displaced were in the manufacturing sector.

At the same time, we must remember that if we are trying to prevent the loss of more American jobs, we cannot forget about the reasons we have lost jobs in the U.S. We need to talk about the free trade policies we have actively pursued that have shipped American jobs overseas and left the American manufacturing sector in shambles.

The consideration of H.R. 2378 is an indication that we must do more to ensure that American industries, as a foundational part of our economy, remain strong. But it is not enough. Ohio has seen far too many idling manufacturing mills and hundreds of long-time steel workers being laid off at once. According to Public Citizen, of the 22 million jobs expected to be created in the U.S. between 2000 and 2010, only 187,000 or 0.1 percent will be manufacturing jobs. Ohio is one of the top ten states posting the biggest job losses in the manufacturing sector.

We cannot have a strong American economy without a strong industrial manufacturing sector that includes not only the steel industry, but also the auto, shipping and aerospace industries. Addressing our trade deficit and foreign policies that add to it is important. But it is also about addressing our policies. I am the proud author of H. Res. 444, which says that the steel, automotive, aerospace and shipping industries are vital to America's national and economic security. We need a coordinated federal policy that puts the manufacturing sector back in its rightful place as an engine of the American economy.

I strongly support passage of this legislation and will continue to work to shore up our local manufacturing base and protect American workers.

Mr. CONYERS. Mr. Speaker, international trade is an integral part of the Southeast Michigan economy, with nearly $113.3 billion worth of surface trade passing between the United States and Canada at the Detroit-Windsor border every year. I am, however, concerned that other nations' unfair trade practices have significantly hurt American workers. This is why I rise in support H.R. 2378, the ''Currency Reform for Fair Trade Act,'' which will address currency manipulation.

Countries such as Japan and China have both manipulated their currencies and hurt American exporters. For example, Japan's currency has been undervalued by up to 25 percent in the past. This means that a car imported from Japan for $20,000 has a hidden subsidy of up to $5,000. According to General Motors' chief economist, Mustafa Mohatarem, ''Japan's policies provided anywhere from a $2,000 to $14,000 cash windfall for each of the 2.2 million vehicles Japan's automakers exported to the U.S. in 2006.''

Even worse, China has undervalued its currency by up 40 percent in the past, which has put American manufacturers at a severe disadvantage. China's currency manipulation also attracts foreign investment into China and away from American manufacturing facilities. A recent study found that the U.S. has lost more than 2.3 million jobs since 2001 just as a result of the U.S. trade deficit with China. On a recent trip to China, President Obama urged the Chinese Yuan to appreciate and prevent global imbalances.

The Currency Reform for Fair Trade Act will take important steps in helping to address these unfair trade practices. The Act would empower the Department of Commerce to make findings that identify currency manipulation as an export subsidy. Today's legislation would make it easier for the Department of Commerce to add a countervailing duty to offset the amount of the export subsidy from currency manipulation. I believe American manufacturers can have honest and fair competition with foreign imports and thrive in global markets.

Mr. Speaker, in the American Recovery and Reinvestment Act, we hailed the investments in green and renewable technologies. However, many Americans green technology firms are being hurt by currency manipulation and other subsidies. Just last week, the Steel Workers filed a petition with the United States Trade Representative regarding China's currency manipulation and other subsidies to the green technology manufacturing industry. If the United States is to lead in this industry as well as revitalize our manufacturing base, we need to make sure American firms can compete on a level playing field in the international market. I urge my colleagues to support today's legislation.

Mr. SPRATT. Mr. Speaker, today, I rise to support a bipartisan bill that will help rebuild our manufacturing sector and continue our economic recovery.

I am proud to be a cosponsor of the ''Currency Reform for Fair Trade Act.'' The legislation was introduced in response to China's persistent intervention to keep its currency undervalued by 35–40 percent relative to the dollar and its resort to illegal subsidies and non-tariff barriers to promote its own industries at the expense of U.S. manufacturing jobs.

These practices affect billions of dollars in trade and have allowed China to flood our markets with their products while they limit our ability to export our goods to them. Many companies are left with little choice but to move their operations offshore in order to compete, costing us precious jobs.

According to the textile industry, these unfair trade practices have cost the United States over a million manufacturing jobs in the last decade, including hundreds of thousands of textile and apparel jobs.

The devaluation of China's currency worsens the already severe U.S-China trade deficit. Statistics show that between January 2000 and May 2009, China's share of the U.S. trade deficit for non-oil goods grew from 26 percent to 83 percent. If we can convince the Chinese to stop pegging its currency, U.S. exports would get a huge boost, and in time, so would investment in new plant and equipment.

This is a great way to stimulate an economy on the mend without adding a dime to the deficit or incurring new public debt.

Specifically, the ''Currency Reform for Fair Trade Act'' requires the U.S. Department of Commerce to: (1) determine, based on certain requirements, whether the exchange rate of the currency of an exporting country is fundamentally and actionably undervalued or overvalued (misaligned) against the U.S. dollar for an 18-month period; and (2) take certain actions under a countervailing duty or anti-dumping duty proceeding to offset such misalignment in cases of an affirmative determination. This legislation provides U.S. manufacturers and workers the necessary tools to defend themselves against anti-competitive trade practices of foreign governments, whether it's China or any other country.

About ten years ago, I joined Representative SUE MYRICK in sponsoring one of the first bills filed to force a change in China's currency policy. The United States has been seeking to negotiate a solution to the issue for a decade without success; and recent talks between the Obama administration and Chinese officials have made marginal progress at best.

All we're asking for here is a level playing field for U.S. businesses.

Mr. STARK. Mr. Speaker, I rise today in support of H.R. 2378 the Currency Reform for Fair Trade Act.

American manufacturing has a long and proud history, but for years has lost hundreds of thousands of good paying jobs. Our workers are losing jobs to China, a country that

blatantly violates international trade laws. The Chinese government's prolonged and intentional intervention in its currency markets keeps the price of Chinese goods in the United States artificially low and the price of U.S. goods sold in China artificially high. With this pricing advantage, manufacturing jobs move to China instead of staying here in the U.S. Economists estimate that the Chinese currency is undervalued by between 25 and 40 percent. How can our manufacturing sector workers compete against a country that has the ability to effectively subsidize its exports by 25 to 40 percent?

It is our responsibility to stand up and defend our workers against these illegal practices. The Currency Reform for Fair Trade Act is just the first step to level the playing field between U.S. and Chinese manufacturers. The legislation expands our trade laws so that we can better combat illegal practices by countries that seek unfair advantages. The bill targets countries that persistently and significantly undervalue their currency. When these illegal subsidies harm a U.S. industry, our government will be able to impose countervailing duties to negate their impact.

This legislation is not the cure all for our $266 billion trade deficit with China, but it should help our manufacturers. Nobel laureate Paul Krugman estimates that if China's currency manipulation ended, we would gain 6,000 jobs per billion dollar shift in the trade deficit and could therefore save or create 1.4 or 1.5 million jobs. Fred Bergsten, the director of the Peterson Institute of International Economics also offers an optimistic statistic, that an appreciation of China's currency could generate 700,000 to 1 million U.S. jobs. We cannot turn our back on this kind of job creation. I urge my colleagues to support this bill to begin bringing good jobs back to America.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of the Currency Reform for Fair Trade Act that is before the House today. I am an original cosponsor of this legislation and strongly urge my colleagues to support it.

As Americans continue to suffer from stagnant pay, underemployment, and 9.6 percent unemployment, across the Pacific in the People's Republic of China, business is booming. Almost all of this growth is due to China's export sector, which is able to sell goods at low prices and face little to no international competition domestically due to China's manipulation of its currency, the Renminbi, RMB.

Economists from across the political spectrum estimate that the Renminbi is undervalued by at least 35 to 40 percent. In other words, U.S. goods are, at least 35 percent, more expensive for Chinese consumers and make Chinese goods, at least 35 percent, cheaper in the United States.

China's currency manipulation has had terrible effects for competing economies from around the globe. Nations that rely heavily on exportation for growth, such as Japan and South Korea, have begun or are taking measures to emulate Beijing's manipulation of their own currencies so their goods can compete.

In the United States, the non-partisan Economic Policy Institute has estimated that between 2001 and 2008 alone, the growing trade deficits with China have displaced 2.4 million jobs. Sixty percent of these jobs were in the manufacturing sector, the very sector that has given millions of Americans a path into the middle class.

If China allowed its currency to ''float'' on the international market, in a fashion similar to the U.S. Dollar, British Pound, and Japanese Yen, it could create a million U.S. manufacturing jobs and cut our trade deficit with China by $100 billion a year, with no cost to the U.S. Treasury.

For years, this Congress, as well as the Administrations of President Bush and President Obama, have tried to persuade the Chinese government to moderate or end the manipulation of its currency. No significant progress has been made.

It is time we take action to hold China accountable for their market distortion and protectionist practices.

A vote ''yes'' today is a vote to stand up for American workers, to take strides to boost our economy, and to strengthen our domestic manufacturing sector.

Mr. TURNER. Mr. Speaker, today I speak in favor of H.R. 2378, the Currency Reform for Fair Trade Act, which seeks to level the playing field for American companies, some of whom have found themselves unable to compete with foreign companies who are unfairly subsidized by foreign governments.

Mr. Speaker, I would like to take my time to recognize the work of former Congressman Phil English, who represented the 3rd District of Pennsylvania until the 111th Congress. Congressman English was a long-time supporter of American manufacturers and was a champion of raising awareness and solving the problem of illegal trade practices.

Congressman English raised these issues when he introduced H. Res. 414 in the 108th Congress. The resolution, which encouraged China to engage fair currency valuation, passed nearly unanimously (411–1) in October 2003.

In the 109th Congress, Representative English introduced the first China currency bill in the House—H.R. 3004, the Currency Harmonization through Neutralizing Action, CHINA, Act. The bill directed the Treasury Department to analyze the exchange rate policies of the People's Republic of China, and to impose additional tariffs, if necessary, to equalize any currency manipulations.

He also helped advocate for the Department of Commerce to consider countervailing duty cases for nonmarket economies, such as China. First introducing this legislation in the 106th Congress, H.R. 3198, he pushed to clarify the countervailing duty statute to ensure these cases against China could proceed.

In the 109th Congress, the House passed H.R. 3283, English's bill to apply the countervailing duty law to nonmarket economies. It was after this bill passed the House that the Department of Commerce ultimately reversed its own policy and started accepting countervailing duty cases against China.

Mr. Speaker, as we look to help our domestic industry compete against unfair competition abroad, H.R. 2378 is an important step.

Mr. MANZULLO. Mr. Speaker, this day has been long in coming. In 2003, I was one of the first Members of Congress to introduce legislation on this topic to stop this anti-free market practice of foreign governments of deliberately undermining the value of their own currency to make their exports less expensive and foreign imports more costly. We have had some modest progress over the years but the overall practice continues to the detriment of our manufacturers and farmers.

Currently, counties in northern Illinois have an official unemployment rate of between 8 and 16.4 percent. The unemployment rate in the cities of Rockford, Belvidere, and Freeport are 17.4 percent, 17.8 percent, and 13.3 percent respectively. But if you include those who have given up looking for work, the real unemployment rate for these counties and cities is probably somewhere between 18 and 28 percent. We can't wait any longer for more promises to solve this problem in the future.

I am pleased to support the ''new and improved version'' of the legislation introduced by my fellow co-chair of the House Manufacturing Caucus, Representative TIM RYAN of Ohio, to combat exchange rate misalignment by China and other foreign governments. I am a proud original co-sponsor of this legislation. Regardless of any person's view on free trade, opposing exchange rate undervaluation is an area where both sides of the trade debate should come together. We must take a stand to stop China and other nations from making their imports cheaper in the U.S. and our exports more expensive in their country.

Let me relate the experience of one manufacturer from Rockford, Illinois, Jerry Busse of Rockford Toolcraft. He was quoted in the Rockford Register Star last August saying, ''We have done work for a big manufacturer in Chicago for 20 years. All of a sudden we lost a lot of their business because they decided to move the work to China.'' Jerry Busse asked the Chicago company what he had to do to get the work back. The prices they were getting from China were close to what Rockford Toolcraft had been getting. Jerry Busse thought to himself that he could do the work for that amount but the Chicago company refused. According to Jerry Busse, the management of the Chicago firm said anyone in America has to be 30 percent under the Chinese price. Mr. Speaker, 30 percent is approximately the undervaluation of the Chinese currency. Suffice it to say that Rockford Toolcraft couldn't meet this predatory price and lost a customer.

Despite any differences we may have over trade policy, we should all agree on the need to stop foreign governments from undervaluing their currencies to gain an economic advantage over us by making their goods artificially less expensive in the United States and making our exports more expensive overseas.

This bill is not targeted at one country. Currency undervaluation is not just a problem that plagues our trade relationship with China. About two weeks ago, Japanese monetary authorities sold a large amount of yen against the dollar to stem the Japanese currency's sharp appreciation against the U.S.—the first time since 2004. Other countries have joined in this anti-capitalistic, mercantilist behavior over the years and they should be equally condemned. It is in their long-term self interest to eventually move to a valuation of their currency that is based on the marketplace—not by a government official.

Fred Bergsten, Director of the highly respected Peterson Institute for International Economics, estimated that correction of all of the Asian currency undervaluations would cut the global U.S. trade deficit by about $100 billion and generate at least 700,000 jobs.

This legislation provides another weapon in our trade arsenal to empower our trade enforcement officials to confront unfair trade practices by China and others. The revised bill

gives discretion to the Department of Commerce to consider currency undervaluation as another form of a government subsidy that is eligible for higher countervailing duties.

This legislation is preferable to other bills that would impose blanket, across-the-board tariffs on just Chinese goods that would almost immediately be ruled illegal by the World Trade Organization. This approach is WTO compliant and does not target one specific country over another for currency undervaluation. This bill should unite both spectrums of the trade debate and one that should send shockwaves to capitals of foreign governments that deliberately undervalue their currency for a trade advantage. The frustration level is high among our small manufacturers such as Jerry Busse and the time is ripe for Congress to act.

I'm here as a proponent of free but fair trade in support of this carefully crafted legislation and I urge my colleagues to do the same. If you want to stop Chinese imports coming in at predatory prices and give our manufacturers and farmers the chance to fairly compete, then support this bill. If you don't like government subsidies and interference in the marketplace; if you prefer capitalism to mercantilism; then you vote for this bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of H.R. 2378, the Currency Reform Fair Trade Act.

First, I want to thank Chairman LEVIN and his staff for crafting this responsible and much needed WTO compliant legislation.

There is wide agreement that China is deliberately and illegally intervening in global currency markets to benefit its own economy. According to the Peterson Institute of International Economics, because of repeated Chinese government intervention, the RMB is unfairly undervalued by as much as 24 percent against the dollar.

This practice is harming the U.S. economy and weakening our ability to promote economic growth and jobs. Again, according to the Peterson Institute, if the RMB was fairly valued, there would be 500,000 more Americans employed today in good paying manufacturing jobs.

The President's strategy for boosting the economy includes a two year plan to increase manufacturing and expand exports—but increasing exports in a global economy where American goods are artificially more expensive than comparable Chinese goods, is like fighting an uphill battle.

H.R. 2378 will help encourage the Chinese government to do the right thing and float its currency in a wider band. This will help to protect those American businesses and jobs that are being injured by the imbalance.

Specifically, the bill requires the Department of Commerce to view deliberate currency undervaluation as an illegal export subsidy just as the World Trade Organization does. If this bill becomes law, Commerce will have to use the same standard as the WTO when determining whether an illegal export subsidy exists. Commerce will have to weigh all relevant factors, including currency undervaluation, when determining whether to recommend that "countervailing duties" be applied against a foreign import.

This bill does not just target China, though China is the leading abuser of this practice. Any country that unfairly and significantly acts to suppress the value of its currency to boost its own exports will be a target.

The President's plan for strengthening the economy includes a vigorous enforcement of our rights in the global trade arena. The WTO says we have a right to respond when our trading partners employ illegal practices that injure our businesses. H.R. 2378 ensures that the Department of Commerce does not overlook or underestimate the impact that currency undervaluation has on American businesses.

I encourage my colleagues to support this measure. It provides one more tool that can be used to protect American companies and the workers they employ in the ongoing push to boost the U.S. economy.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 2378, the Currency Reform for Fair Trade Act, of which I am also a co-sponsor. For too long, the United States has stood idly by while its trading partners—China, in particular—have manipulated the value of their currencies to gain a competitive advantage. H.R. 2378 will strengthen our country's ability to impose punitive tariffs on currency manipulators and, in so doing, help protect American workers and businesses from this most unfair trade practice.

I wish to thank Congressman RYAN of Ohio for introducing this fine bill. I also commend my good friend and colleague from Michigan, Chairman SANDER LEVIN of the Committee on Ways and Means, for understanding the dire need for this legislation and amending it in such a manner that conforms to the United States' obligations as a member of the World Trade Organization. I hope China will take note of this and adjust its behavior accordingly.

I urge my colleagues to vote in favor of H.R. 2378 and further call on the United States Senate to pass this bill with all due haste.

Mr. LEVIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1674, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 2378 will be followed by 5-minute votes on motions to suspend the rules with regard to:

H.R. 6160, by the yeas and nays;

H.R. 4072, by the yeas and nays;

H.R. 3421, de novo.

The vote was taken by electronic device, and there were—ayes 348, noes 79, not voting 6, as follows:

[Roll No. 554]

AYES—348

Ackerman	Akin	Arcuri
Aderholt	Altmire	Austria
Adler (NJ)	Andrews	Baca
Bachus	Filner	McGovern
Baird	Forbes	McHenry
Baldwin	Fortenberry	McIntyre
Barrett (SC)	Foster	McKeon
Barrow	Foxx	McMahon
Bean	Frank (MA)	McNerney
Becerra	Fudge	Meek (FL)
Berkley	Gallegly	Meeks (NY)
Berman	Garamendi	Melancon
Berry	Gerlach	Mica
Biggert	Giffords	Michaud
Bilbray	Gingrey (GA)	Miller (FL)
Bilirakis	Gonzalez	Miller (MI)
Bishop (GA)	Goodlatte	Miller (NC)
Bishop (NY)	Gordon (TN)	Miller, George
Bishop (UT)	Graves (MO)	Minnick
Blumenauer	Grayson	Mollohan
Boccieri	Green, Al	Moore (KS)
Bonner	Green, Gene	Moore (WI)
Boozman	Griffith	Moran (KS)
Boren	Grijalva	Moran (VA)
Boswell	Guthrie	Murphy (CT)
Boucher	Gutierrez	Murphy (NY)
Boyd	Hall (NY)	Murphy, Patrick
Brady (PA)	Halvorson	Murphy, Tim
Braley (IA)	Hare	Myrick
Bright	Harman	Nadler (NY)
Brown (SC)	Harper	Napolitano
Brown, Corrine	Hastings (FL)	Neal (MA)
Brown-Waite, Ginny	Heinrich	Nye
Burgess	Herseth Sandlin	Oberstar
Burton (IN)	Higgins	Obey
Butterfield	Hill	Olver
Calvert	Himes	Ortiz
Camp	Hinchey	Owens
Cao	Hinojosa	Pallone
Capito	Hirono	Pascrell
Capps	Hodes	Pastor (AZ)
Capuano	Hoekstra	Payne
Cardoza	Holden	Pelosi
Carnahan	Holt	Perlmutter
Carney	Honda	Perriello
Carson (IN)	Hoyer	Peters
Cassidy	Hunter	Peterson
Castle	Inglis	Petri
Castor (FL)	Inslee	Pingree (ME)
Chandler	Israel	Pitts
Childers	Jackson (IL)	Platts
Chu	Jackson Lee (TX)	Pomeroy
Clarke	Johnson (GA)	Posey
Clay	Johnson (IL)	Price (NC)
Cleaver	Johnson, E. B.	Putnam
Clyburn	Jones	Quigley
Coble	Kagen	Rahall
Coffman (CO)	Kanjorski	Rangel
Cohen	Kaptur	Rehberg
Cole	Kennedy	Reyes
Connolly (VA)	Kildee	Richardson
Conyers	Kilpatrick (MI)	Rodriguez
Cooper	Kilroy	Roe (TN)
Costa	Kind	Rogers (AL)
Costello	Kirk	Rogers (KY)
Courtney	Kirkpatrick (AZ)	Rogers (MI)
Crenshaw	Kissell	Rohrabacher
Critz	Klein (FL)	Rooney
Crowley	Kosmas	Ros-Lehtinen
Cummings	Kratovil	Roskam
Dahlkemper	Kucinich	Ross
Davis (AL)	Langevin	Rothman (NJ)
Davis (CA)	Larson (CT)	Roybal-Allard
Davis (IL)	LaTourette	Royce
Davis (KY)	Lee (CA)	Ruppersberger
Davis (TN)	Lee (NY)	Rush
DeFazio	Levin	Ryan (OH)
DeGette	Lewis (GA)	Salazar
DeLauro	Lipinski	Sánchez, Linda T.
Dent	LoBiondo	Sanchez, Loretta
Deutch	Loebsack	Sarbanes
Diaz-Balart, L.	Lofgren, Zoe	Schakowsky
Diaz-Balart, M.	Lowey	Schauer
Dicks	Lucas	Schiff
Dingell	Luetkemeyer	Schock
Doggett	Luján	Schrader
Donnelly (IN)	Lungren, Daniel E.	Schwartz
Doyle	Lynch	Scott (GA)
Driehaus	Maffei	Scott (VA)
Duncan	Maloney	Sensenbrenner
Edwards (MD)	Manzullo	Serrano
Edwards (TX)	Markey (CO)	Sestak
Ehlers	Markey (MA)	Shea-Porter
Ellison	Marshall	Sherman
Ellsworth	Matheson	Shimkus
Emerson	Matsui	Shuler
Engel	McCarthy (NY)	Shuster
Eshoo	McCollum	Simpson
Etheridge	McCotter	Sires
Farr	McDermott	Skelton
Fattah		Slaughter

Smith (NJ)
Smith (WA)
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—79

Alexander
Bachmann
Bartlett
Barton (TX)
Blackburn
Boehner
Bono Mack
Boustany
Brady (TX)
Broun (GA)
Buchanan
Campbell
Cantor
Carter
Chaffetz
Conaway
Cuellar
Culberson
Djou
Dreier
Flake
Fleming
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gohmert
Granger
Graves (GA)
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Larsen (WA)
Latham
Latta
Lewis (CA)
Linder
Lummis
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McMorris Rodgers
Miller, Gary
Mitchell
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Poe (TX)
Polis (CO)
Price (GA)
Reichert
Ryan (WI)
Scalise
Schmidt
Sessions
Shadegg
Smith (NE)
Smith (TX)
Snyder
Sullivan
Thornberry
Tiahrt
Walden

NOT VOTING—6

Blunt
Buyer
Delahunt
Fallin
Radanovich
Young (FL)

□ 1757

Messrs. POE of Texas, TIAHRT, ISSA, and WALDEN changed their vote from ''aye'' to ''no.''

Messrs. MILLER of Florida, GRIFFITH and ROYCE changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to a fundamentally undervalued currency of any foreign country.''.

A motion to reconsider was laid on the table.

RARE EARTHS AND CRITICAL MATERIALS REVITALIZATION ACT OF 2010

The SPEAKER pro tempore (Ms. JACKSON LEE of Texas). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6160) to develop a rare earth materials program, to amend the National Materials and Minerals Policy, Research and Development Act of 1980, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 325, nays 98, not voting 9, as follows:

[Roll No. 555]

YEAS—325

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
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
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—98

Alexander
Bachmann
Barrett (SC)
Barton (TX)
Blackburn
Boehner
Bono Mack
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Campbell
Cantor
Carter
Cassidy
Chaffetz
Conaway
Crenshaw
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Flake
Fleming
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McClintock
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Neugebauer
Nunes
Paul
Paulsen
Pence
Petri
Poe (TX)
Posey
Price (GA)
Putnam
Roe (TN)
Rogers (AL)
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Snyder
Sullivan
Thornberry
Tiahrt
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—9

Blunt
Buyer
Delahunt
Fallin
Hodes
Kirk
Olson
Radanovich
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in this vote.

□ 1808

Messrs. PAULSEN, DAVIS of Kentucky, and KLINE of Minnesota changed their vote from ''yea'' to ''nay.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMERICAN MANUFACTURING EFFICIENCY AND RETRAINING INVESTMENT COLLABORATION ACHIEVEMENT WORKS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4072) to require that certain Federal job training and career education programs give priority to programs that provide a national industry-recognized and portable credential,

as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 10, not voting 10, as follows:

[Roll No. 556]

YEAS—412

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
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)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
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)
Putnam
Quigley
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
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—10

Broun (GA)
Campbell
Flake
Franks (AZ)
Graves (GA)
Hensarling
Hoekstra
Jordan (OH)
King (IA)
Paul

NOT VOTING—10

Blunt
Boehner
Buyer
Conyers
Delahunt
Fallin
Hodes
Kirk
Radanovich
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes left in this vote.

□ 1818

Mr. MACK changed his vote from ''nay'' to ''yea.''

So the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to require that certain Federal job training and career education programs give priority to programs that provide an industry-recognized and nationally portable credential.''.

A motion to reconsider was laid on the table.

MEDICAL DEBT RELIEF ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3421) to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. KILROY) that the House suspend the rules and pass the bill, 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. BROUN of Georgia. 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 336, noes 82, not voting 14, as follows,

[Roll No. 557]

AYES—336

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)

Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
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
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—82

Akin
Austria
Bachmann
Barrett (SC)
Bartlett
Bishop (UT)
Bonner
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Cantor
Carter
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Hoekstra
Inglis
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Mack
Marchant
McClintock
McMorris Rodgers
Miller (FL)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Poe (TX)
Price (GA)
Roskam
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Shadegg
Simpson
Smith (NE)
Smith (TX)
Smith (WA)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Westmoreland
Whitfield
Wilson (SC)

NOT VOTING—14

Blunt
Boehner
Buyer
Clyburn
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Fallin
Hodes
Kirk
McHenry
Radanovich
Salazar
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1826

Mr. SMITH of Texas changed his vote from ''aye'' to ''no.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Washington. Madam Speaker, this evening, Wednesday, September 29, 2010, I recorded an incorrect vote on the motion to suspend the rules and pass H.R. 3421, the Medical Debt Relief Act of 2010. I intended to vote "yes" on rollcall vote No. 557.

BLOCKING PROPERTY OF CERTAIN PERSONS WITH RESPECT TO SERIOUS HUMAN RIGHTS ABUSES BY IRANIAN GOVERNMENT AND TAKING CERTAIN OTHER ACTIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–147)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the ''order'') that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995.

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Finally, Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders.

I have determined that the actions and policies of the Government of Iran on or after its presidential election of June 12, 2009, including its violent response to peaceful demonstrations and its commission of serious human rights abuses, warrant the imposition of additional sanctions.

The prohibitions contained in the new order implement section 105(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195) (CISADA) concerning, inter alia, the imposition of sanctions pursuant to IEEPA with respect to each person on the list referred to in section 105(b). I applaud the efforts of the Congress to demonstrate the strong and sustained commitment of the United States to advancing the universal rights of all Iranians, and to sanction those who have abused their rights.

The order, however, goes beyond the scope of section 105 of CISADA by imposing sanctions pursuant to IEEPA on persons who meet a broader set of criteria than those specified in section 105(b).

The order blocks the property and interests in property of persons listed in the Annex to the order, who I have determined meet the first of the three criteria set forth below. The order also provides criteria for designations of persons determined by the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State:

To be an official of the Government of Iran or a person acting on behalf of the Government of Iran (including members of paramilitary organizations) who is responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in Iran or Iranian citizens or residents, or the family members of the foregoing, on or after June 12, 2009, regardless of whether such abuses occurred in Iran;

To have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the activities described in section 1(a)(ii)(A) of the order or any person whose property and interests in property are blocked pursuant to the order; or

To be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the relevant provisions of CISADA, as may be necessary to carry out the blocking-related purposes of the order and to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out section 104 of CISADA. I have delegated to the Secretary of State the functions and authorities related to visa sanctions conferred upon the President by the relevant provisions of CISADA. I have also delegated to the Secretary of State, in consultation with the Secretary of the Treasury, the function of submitting to the appropriate congressional committees referred to in section 105(b) of CISADA the initial and updated lists of persons who are subject to visa sanctions and whose property and interests in property are blocked pursuant to the order.

All executive agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, became effective at 12:01 a.m. eastern daylight time on September 29, 2010.

BARACK OBAMA.
THE WHITE HOUSE, *September 28, 2010.*

□ 1830

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. REYES. Madam Speaker, pursuant to House Resolution 1674, I call up the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2010''.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

For the purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414), appropriated funds available to an intelligence agency may be obligated or expended for an intelligence or intelligence-related activity as appropriated for fiscal year 2010, as modified by such reprogramming and transfers of funds authorized by and reported to the appropriate congressional committees.

SEC. 102. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 103. BUDGETARY PROVISIONS.

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

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Subparagraph (A) of section 235(b)(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)) is amended by striking ''receiving compensation under the Senior Intelligence Service pay schedule at the rate'' and inserting ''who is at the Senior Intelligence Service rank''.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. ENHANCED FLEXIBILITY IN NONREIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 113 the following new section:

''DETAIL OF OTHER PERSONNEL

''SEC. 113A. Except as provided in section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c(g)(2)) and section 113 of this Act, and notwithstanding any other provision of law, an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the National Intelligence Program from another element of the intelligence community or from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the head of the receiving element and the head of the detailing element, for a period not to exceed 2 years.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 113 the following new item:

''Sec. 113A. Detail of other personnel.''.

SEC. 303. PAY AUTHORITY FOR CRITICAL POSITIONS.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(s) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in coordination with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to the head of a department or agency to fix the rate of basic pay for one or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

''(2) Authority under this subsection may be granted or exercised only—

''(A) with respect to a position that requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

''(B) to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

''(3) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

''(4) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

''(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

''(6)(A) The Director of National Intelligence shall notify the congressional intelligence committees not later than 30 days after the date on which the Director grants authority to the head of a department or agency under this subsection.

''(B) The head of a department or agency to which the Director of National Intelligence grants authority under this subsection shall notify the congressional intelligence committees and the Director of the exercise of such authority not later than 30 days after the date on which such head exercises such authority.''.

SEC. 304. AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 303 of this Act, is further amended by adding at the end the following new subsection:

''(t) AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.—(1) The President, based on the recommendation of the Director of National Intelligence, may award a rank to a member of the Senior National Intelligence Service or other intelligence community senior civilian officer not already covered by such a rank award program in the same manner in which a career appointee of an agency may be awarded a rank under section 4507 of title 5, United States Code.

''(2) The President may establish procedures to award a rank under paragraph (1) to a member of the Senior National Intelligence Service or a senior civilian officer of the intelligence community whose identity as such a member or officer is classified information (as defined in section 606(1)).''.

SEC. 305. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) ASSESSMENT.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

''ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY

''SEC. 506B. (a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of each element of

the intelligence community, prepare an annual personnel level assessment for such element that assesses the personnel levels for such element for the fiscal year following the fiscal year in which the assessment is submitted.

''(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year at the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31, United States Code.

''(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain the following information for the element of the intelligence community concerned:

''(1) The budget submission for personnel costs for the upcoming fiscal year.

''(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

''(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

''(4) The number of full-time equivalent positions that is the basis for which personnel funds are requested for the upcoming fiscal year.

''(5) The numerical and percentage increase or decrease of the number referred to in paragraph (4) as compared to the number of full-time equivalent positions of the current fiscal year.

''(6) The numerical and percentage increase or decrease of the number referred to in paragraph (4) as compared to the number of full-time equivalent positions during the prior 5 fiscal years.

''(7) The best estimate of the number and costs of core contract personnel to be funded by the element for the upcoming fiscal year.

''(8) The numerical and percentage increase or decrease of such costs of core contract personnel as compared to the best estimate of the costs of core contract personnel of the current fiscal year.

''(9) The numerical and percentage increase or decrease of such number and such costs of core contract personnel as compared to the number and cost of core contract personnel during the prior 5 fiscal years.

''(10) A justification for the requested personnel and core contract personnel levels.

''(11) The best estimate of the number of intelligence collectors and analysts employed or contracted by each element of the intelligence community.

''(12) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

''(A) internal infrastructure to support the requested personnel and core contract personnel levels;

''(B) training resources to support the requested personnel levels; and

''(C) funding to support the administrative and operational activities of the requested personnel levels.''.

(b) APPLICABILITY DATE.—The first assessment required to be submitted under section 506B(b) of the National Security Act of 1947, as added by subsection (a), shall be submitted to the congressional intelligence committees at the time that the President submits to Congress the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 302 of this Act, is further amended by inserting after the item relating to section 506A the following new item:

''Sec. 506B. Annual personnel level assessments for the intelligence community.''.

SEC. 306. TEMPORARY PERSONNEL AUTHORIZATIONS FOR CRITICAL LANGUAGE TRAINING.

Section 102A(e) of the National Security Act of 1947 (50 U.S.C. 403–1(e)) is amended by—

(1) redesignating paragraph (3) as paragraph (4); and

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

''(3)(A) In addition to the number of full-time equivalent positions authorized for the Office of the Director of National Intelligence for a fiscal year, there is authorized for such Office for each fiscal year an additional 100 full-time equivalent positions that may be used only for the purposes described in subparagraph (B).

''(B) Except as provided in subparagraph (C), the Director of National Intelligence may use a full-time equivalent position authorized under subparagraph (A) only for the purpose of providing a temporary transfer of personnel made in accordance with paragraph (2) to an element of the intelligence community to enable such element to increase the total number of personnel authorized for such element, on a temporary basis—

''(i) during a period in which a permanent employee of such element is absent to participate in critical language training; or

''(ii) to accept a permanent employee of another element of the intelligence community to provide language-capable services.

''(C) Paragraph (2)(B) shall not apply with respect to a transfer of personnel made under subparagraph (B).

''(D) The Director of National Intelligence shall submit to the congressional intelligence committees an annual report on the use of authorities under this paragraph. Each such report shall include a description of—

''(i) the number of transfers of personnel made by the Director pursuant to subparagraph (B), disaggregated by each element of the intelligence community;

''(ii) the critical language needs that were fulfilled or partially fulfilled through the use of such transfers; and

''(iii) the cost to carry out subparagraph (B).''.

SEC. 307. CONFLICT OF INTEREST REGULATIONS FOR INTELLIGENCE COMMUNITY EMPLOYEES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 304 of this Act, is further amended by adding at the end the following new subsection:

''(u) CONFLICT OF INTEREST REGULATIONS.—(1) The Director of National Intelligence, in consultation with the Director of the Office of Government Ethics, shall issue regulations prohibiting an officer or employee of an element of the intelligence community from engaging in outside employment if such employment creates a conflict of interest or appearance thereof.

''(2) The Director of National Intelligence shall annually submit to the congressional intelligence committees a report describing all outside employment for officers and employees of elements of the intelligence community that was authorized by the head of an element of the intelligence community during the preceding calendar year. Such report shall be submitted each year on the date provided in section 507.''.

Subtitle B—Education Programs

SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT ROBERTS INTELLIGENCE SCHOLARS PROGRAM.

(a) PERMANENT AUTHORIZATION.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.) is amended by adding at the end the following new section:

''PROGRAM ON RECRUITMENT AND TRAINING

''SEC. 1022. (a) PROGRAM.—(1) The Director of National Intelligence shall carry out a program to ensure that selected students or former students are provided funds to continue academic training, or are reimbursed for academic training previously obtained, in areas of specialization that the Director, in consultation with the other heads of the elements of the intelligence community, identifies as areas in which the current capabilities of the intelligence community are deficient or in which future capabilities of the intelligence community are likely to be deficient.

''(2) A student or former student selected for participation in the program shall commit to employment with an element of the intelligence community, following completion of appropriate academic training, under such terms and conditions as the Director considers appropriate.

''(3) The program shall be known as the Pat Roberts Intelligence Scholars Program.

''(b) ELEMENTS.—In carrying out the program under subsection (a), the Director shall—

''(1) establish such requirements relating to the academic training of participants as the Director considers appropriate to ensure that participants are prepared for employment as intelligence professionals; and

''(2) periodically review the areas of specialization of the elements of the intelligence community to determine the areas in which such elements are, or are likely to be, deficient in capabilities.

''(c) USE OF FUNDS.—Funds made available for the program under subsection (a) shall be used—

''(1) to provide a monthly stipend for each month that a student is pursuing a course of study;

''(2) to pay the full tuition of a student or former student for the completion of such course of study;

''(3) to pay for books and materials that the student or former student requires or required to complete such course of study;

''(4) to pay the expenses of the student or former student for travel requested by an element of the intelligence community in relation to such program; or

''(5) for such other purposes the Director considers reasonably appropriate to carry out such program.''.

(b) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 305 of this Act, is further amended—

(A) by transferring the item relating to section 1002 so such item immediately follows the item relating to section 1001; and

(B) by inserting after the item relating to section 1021 the following new item:

''Sec. 1022. Program on recruitment and training.''.

(2) REPEAL OF PILOT PROGRAM.—

(A) AUTHORITY.—Section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 441g note) is repealed.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2599) is amended by striking the item relating to section 318.

SEC. 312. MODIFICATIONS TO THE LOUIS STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.

(a) EXPANSION OF THE LOUIS STOKES EDUCATIONAL SCHOLARSHIP PROGRAM TO GRADUATE STUDENTS.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subsection (a)—

(A) by inserting ''and graduate'' after ''undergraduate''; and

(B) by striking ''the baccalaureate'' and inserting ''a baccalaureate or graduate'';

(2) in subsection (b), by inserting ''or graduate'' after ''undergraduate'';

(3) in subsection (e)(2), by inserting ''and graduate'' after ''undergraduate''; and

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

''(h) The undergraduate and graduate training program established under this section shall be known as the Louis Stokes Educational Scholarship Program.''.

(b) AUTHORITY FOR PARTICIPATION BY INDIVIDUALS WHO ARE NOT EMPLOYED BY THE UNITED STATES GOVERNMENT.—

(1) IN GENERAL.—Subsection (b) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (a)(2), is further amended by striking ''civilian employees'' and inserting ''civilians who may or may not be employees''.

(2) CONFORMING AMENDMENTS.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (a), is further amended—

(A) in subsection (c), by striking ''employees'' and inserting ''program participants''; and

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), strike ''an employee of the Agency,'' and insert ''a program participant,'';

(II) in subparagraph (A), by striking ''employee'' and inserting ''program participant'';

(III) in subparagraph (C)—

(aa) by striking ''employee'' each place that term appears and inserting ''program participant''; and

(bb) by striking ''employee's'' each place that term appears and inserting ''program participant's''; and

(IV) in subparagraph (D)—

(aa) by striking ''employee'' each place that term appears and inserting ''program participant''; and

(bb) by striking ''employee's'' each place that term appears and inserting ''program participant's''; and

(ii) in paragraph (3)(C)—

(I) by striking ''employee'' both places that term appears and inserting ''program participant''; and

(II) by striking ''employee's'' and inserting ''program participant's''.

(c) TERMINATION OF PROGRAM PARTICIPANTS.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (b)(2)(B)(i)(III), is further amended by striking ''terminated'' and all that follows and inserting ''terminated—

''(i) by the Agency due to misconduct by the program participant;

''(ii) by the program participant voluntarily; or

''(iii) by the Agency for the failure of the program participant to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the program participant under this subsection; and''.

(d) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

(e) AUTHORITY OF ELEMENTS OF THE INTELLIGENCE COMMUNITY TO ESTABLISH A STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.—

(1) AUTHORITY.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.), as amended by section 311 of this Act, is further amended by adding at the end the following new section:

''EDUCATIONAL SCHOLARSHIP PROGRAM

''SEC. 1023. The head of a department or agency containing an element of the intelligence community may establish an undergraduate or graduate training program with respect to civilian employees and prospective civilian employees of such element similar in purpose, conditions, content, and administration to the program that the Secretary of Defense is authorized to establish under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note).''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 311 of this Act, is further amended by inserting after the item relating to section 1022, as added by such section 311, the following new item:

''Sec. 1023. Educational scholarship program.''.

SEC. 313. INTELLIGENCE OFFICER TRAINING PROGRAM.

(a) PROGRAM.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.), as amended by section 312(e) of this Act, is further amended by adding at the end the following new section:

''INTELLIGENCE OFFICER TRAINING PROGRAM

''SEC. 1024. (a) PROGRAMS.—(1) The Director of National Intelligence may carry out grant programs in accordance with subsection (b) to enhance the recruitment and retention of an ethnically and culturally diverse intelligence community workforce with capabilities critical to the national security interests of the United States.

''(2) In carrying out paragraph (1), the Director shall identify the skills necessary to meet current or emergent needs of the intelligence community and the educational disciplines that will provide individuals with such skills.

''(b) INSTITUTIONAL GRANT PROGRAM.—(1) The Director may provide grants to institutions of higher education to support the establishment or continued development of programs of study in educational disciplines identified under subsection (a)(2).

''(2) A grant provided under paragraph (1) may, with respect to the educational disciplines identified under subsection (a)(2), be used for the following purposes:

''(A) Curriculum or program development.

''(B) Faculty development.

''(C) Laboratory equipment or improvements.

''(D) Faculty research.

''(c) APPLICATION.—An institution of higher education seeking a grant under this section shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

''(d) REPORTS.—An institution of higher education that receives a grant under this section shall submit to the Director regular reports regarding the use of such grant, including—

''(1) a description of the benefits to students who participate in the course of study funded by such grant;

''(2) a description of the results and accomplishments related to such course of study; and

''(3) any other information that the Director may require.

''(e) REGULATIONS.—The Director shall prescribe such regulations as may be necessary to carry out this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'Director' means the Director of National Intelligence.

''(2) The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

(b) REPEAL OF DUPLICATIVE PROVISIONS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Subsections (b) through (g) of section 319 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 403 note).

(B) Section 1003 of the National Security Act of 1947 (50 U.S.C. 441g–2).

(C) Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 50 U.S.C. 402 note).

(2) EXISTING AGREEMENTS.—Notwithstanding the repeals made by paragraph (1), nothing in this subsection shall be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect in relation to the provisions repealed under paragraph (1) on the day prior to the date of the enactment of this Act.

(3) TECHNICAL AMENDMENT.—Section 319 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 403 note) is amended by striking ''(a) FINDINGS.—''.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 312 of this Act, is further amended by striking the item relating to section 1003 and inserting the following new item:

''Sec. 1024. Intelligence officer training program.''.

SEC. 314. PILOT PROGRAM FOR INTENSIVE LANGUAGE INSTRUCTION IN AFRICAN LANGUAGES.

(a) ESTABLISHMENT.—The Director of National Intelligence, in consultation with the National Security Education Board established under section 803(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(a)), may establish a pilot program for intensive language instruction in African languages.

(b) PROGRAM.—A pilot program established under subsection (a) shall provide scholarships for programs that provide intensive language instruction—

(1) in any of the five highest priority African languages for which scholarships are not offered under the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.), as determined by the Director of National Intelligence; and

(2) both in the United States and in a country in which the language is the native language of a significant portion of the population, as determined by the Director of National Intelligence.

(c) TERMINATION.—A pilot program established under subsection (a) shall terminate on the date that is five years after the date on which such pilot program is established.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $2,000,000.

(2) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until the termination of the pilot program in accordance with subsection (c).

Subtitle C—Acquisition Matters

SEC. 321. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 305 of this Act, is further amended by inserting after section 506B, as added by section 305(a), the following new section:

''VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

''SEC. 506C. (a) INITIAL VULNERABILITY ASSESSMENTS.—(1)(A) Except as provided in subparagraph (B), the Director of National Intelligence shall conduct and submit to the congressional intelligence committees an initial vulnerability assessment for each major system and its significant items of supply—

''(i) except as provided in clause (ii), prior to the completion of Milestone B or an equivalent acquisition decision for the major system; or

''(ii) prior to the date that is 1 year after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010 in the case of a major system for which Milestone B or an equivalent acquisition decision—

''(I) was completed prior to such date of enactment; or

''(II) is completed on a date during the 180-day period following such date of enactment.

''(B) The Director may submit to the congressional intelligence committees an initial vulnerability assessment required by clause (ii) of subparagraph (A) not later than 180 days after the date such assessment is required to be submitted under such clause if the Director notifies the congressional intelligence committees of the extension of the submission date under this subparagraph and provides a justification for such extension.

''(C) The initial vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach to—

''(i) identify vulnerabilities;

''(ii) define exploitation potential;

''(iii) examine the system's potential effectiveness;

''(iv) determine overall vulnerability; and

''(v) make recommendations for risk reduction.

''(2) If an initial vulnerability assessment for a major system is not submitted to the congressional intelligence committees as required by paragraph (1), funds appropriated for the acquisition of the major system may not be obligated for a major contract related to the major system. Such prohibition on the obligation of funds for the acquisition of the major system shall cease to apply on the date on which the congressional intelligence committees receive the initial vulnerability assessment.

''(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall, periodically throughout the procurement of a major system or if the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment, conduct a subsequent vulnerability assessment of each major system and its significant items of supply within the National Intelligence Program.

''(2) Upon the request of a congressional intelligence committee, the Director of National Intelligence may, if appropriate, recertify the previous vulnerability assessment or may conduct a subsequent vulnerability assessment of a particular major system and its significant items of supply within the National Intelligence Program.

''(3) Any subsequent vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in clauses (i) through (v) of subsection (a)(1)(C).

''(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the National Intelligence Program budget.

''(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) or (b) not later than 10 days after the date of the completion of such assessment.

''(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent periodic vulnerability assessments of a major system under subsection (b)(1) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by paragraph (1).

''(e) DEFINITIONS.—In this section:

''(1) The term 'item of supply' has the meaning given that term in section 4(10) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(10)).

''(2) The term 'major contract' means each of the 6 largest prime, associate, or Government-furnished equipment contracts under a major system that is in excess of $40,000,000 and that is not a firm, fixed price contract.

''(3) The term 'major system' has the meaning given that term in section 506A(e).

''(4) The term 'Milestone B' means a decision to enter into major system development and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

''(5) The term 'vulnerability assessment' means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 313 of this Act, is further amended by inserting after the item relating to section 506B, as added by section 305(c) of this Act, the following new item:

''Sec. 506C. Vulnerability assessments of major systems.''.

(b) DEFINITION OF MAJOR SYSTEM.—Paragraph (3) of section 506A(e) of the National Security Act of 1947 (50 U.S.C. 415a–1(e)) is amended by striking ''(in current fiscal year dollars)'' and inserting ''(based on fiscal year 2010 constant dollars)''.

SEC. 322. INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.

(a) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 321 of this Act, is further amended by inserting after section 506C, as added by section 321(a), the following new section:

''INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION

''SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS.—(1) Subject to paragraph (3), no funds appropriated to any element of the intelligence community may be obligated for an intelligence community business system transformation that will have a total cost in excess of $3,000,000 unless—

''(A) the Director of the Office of Business Transformation of the Office of the Director of National Intelligence makes a certification described in paragraph (2) with respect to such intelligence community business system transformation; and

''(B) such certification is approved by the board established under subsection (f).

''(2) The certification described in this paragraph for an intelligence community business system transformation is a certification made by the Director of the Office of Business Transformation of the Office of the Director of National Intelligence that the intelligence community business system transformation—

''(A) complies with the enterprise architecture under subsection (b) and such other policies and standards that the Director of National Intelligence considers appropriate; or

''(B) is necessary—

''(i) to achieve a critical national security capability or address a critical requirement; or

''(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration any alternative solutions for preventing such adverse effect.

''(3) With respect to a fiscal year after fiscal year 2010, the amount referred to in paragraph (1) in the matter preceding subparagraph (A) shall be equal to the sum of—

''(A) the amount in effect under such paragraph (1) for the preceding fiscal year (determined after application of this paragraph), plus

''(B) such amount multiplied by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of the previous fiscal year.

''(b) ENTERPRISE ARCHITECTURE FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Director of National Intelligence shall, acting through the board established under subsection (f), develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

''(2) The enterprise architecture under paragraph (1) shall include the following:

''(A) An information infrastructure that will enable the intelligence community to—

''(i) comply with all Federal accounting, financial management, and reporting requirements;

''(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

''(iii) integrate budget, accounting, and program information and systems; and

''(iv) provide for the measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

''(B) Policies, procedures, data standards, and system interface requirements that apply uniformly throughout the intelligence community.

''(c) RESPONSIBILITIES FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—The Director of National Intelligence shall be responsible for the entire life cycle of an intelligence community business system transformation, including review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of the business system transformation.

''(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Director of the Office of Business Transformation of the Office of the Director of National Intelligence shall establish and implement, not later than 60 days after the enactment of the Intelligence Authorization Act for Fiscal Year 2010, an investment review process for the intelligence community business systems for which the Director of the Office of Business Transformation is responsible.

''(2) The investment review process under paragraph (1) shall—

''(A) meet the requirements of section 11312 of title 40, United States Code; and

''(B) specifically set forth the responsibilities of the Director of the Office of Business Transformation under such review process.

''(3) The investment review process under paragraph (1) shall include the following elements:

''(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

''(B) Periodic review, but not less often than annually, of every intelligence community business system investment.

''(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

''(D) Procedures for making certifications in accordance with the requirements of subsection (a)(2).

''(e) BUDGET INFORMATION.—For each fiscal year after fiscal year 2011, the Director of National Intelligence shall include in the materials the Director submits to Congress in support of the budget for such fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, the following information:

''(1) An identification of each intelligence community business system for which funding is proposed in such budget.

''(2) An identification of all funds, by appropriation, proposed in such budget for each such system, including—

''(A) funds for current services to operate and maintain such system;

''(B) funds for business systems modernization identified for each specific appropriation; and

''(C) funds for associated business process improvement or reengineering efforts.

''(3) The certification, if any, made under subsection (a)(2) with respect to each such system.

''(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION GOVERNANCE BOARD.—(1) The Director of National Intelligence shall establish a board within the intelligence community business system transformation governance structure (in this subsection referred to as the 'Board').

''(2) The Board shall—

''(A) recommend to the Director policies and procedures necessary to effectively integrate all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the intelligence community;

''(B) review and approve any major update of—

''(i) the enterprise architecture developed under subsection (b); and

''(ii) any plans for an intelligence community business systems modernization;

''(C) manage cross-domain integration consistent with such enterprise architecture;

''(D) coordinate initiatives for intelligence community business system transformation to maximize benefits and minimize costs for the intelligence community, and periodically report to the Director on the status of efforts to carry out an intelligence community business system transformation;

''(E) ensure that funds are obligated for intelligence community business system transformation in a manner consistent with subsection (a); and

''(F) carry out such other duties as the Director shall specify.

''(g) RELATION TO ANNUAL REGISTRATION REQUIREMENTS.—Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

''(h) RELATIONSHIP TO DEFENSE BUSINESS ENTERPRISE ARCHITECTURE.—Nothing in this section shall be construed to exempt funds authorized to be appropriated to the Department of Defense from the requirements of section 2222 of title 10, United States Code, to the extent that such requirements are otherwise applicable.

''(i) RELATION TO CLINGER-COHEN ACT.—(1) Executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system transformation shall be exercised jointly by—

''(A) the Director of National Intelligence and the Chief Information Officer of the Intelligence Community; and

''(B) the head of the executive agency that contains the element of the intelligence community involved and the chief information officer of that executive agency.

''(2) The Director of National Intelligence and the head of the executive agency referred to in paragraph (1)(B) shall enter into a Memorandum of Understanding to carry out the requirements of this section in a manner that best meets the needs of the intelligence community and the executive agency.

''(j) REPORTS.—Not later than March 31 of each of the years 2011 through 2015, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the compliance of the intelligence community with the requirements of this section. Each such report shall—

''(1) describe actions taken and proposed for meeting the requirements of subsection (a), including—

''(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

''(B) specific actions on the intelligence community business system transformations submitted for certification under such subsection;

''(2) identify the number of intelligence community business system transformations that received a certification described in subsection (a)(2); and

''(3) describe specific improvements in business operations and cost savings resulting from successful intelligence community business systems transformation efforts.

''(k) DEFINITIONS.—In this section:

''(1) The term 'enterprise architecture' has the meaning given that term in section 3601(4) of title 44, United States Code.

''(2) The terms 'information system' and 'information technology' have the meanings given those terms in section 11101 of title 40, United States Code.

''(3) The term 'intelligence community business system' means an information system, including a national security system, that is operated by, for, or on behalf of an element of the intelligence community, including a financial system, mixed system, financial data feeder system, and the business infrastructure capabilities shared by the systems of the business enterprise architecture, including people, process, and technology, that build upon the core infrastructure used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

''(4) The term 'intelligence community business system transformation' means—

''(A) the acquisition or development of a new intelligence community business system; or

''(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

''(5) The term 'national security system' has the meaning given that term in section 3542 of title 44, United States Code.

''(6) The term 'Office of Business Transformation of the Office of the Director of National Intelligence' includes any successor office that assumes the functions of the Office of Business Transformation of the Office of the Director of National Intelligence as carried out by the Office of Business Transformation on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 321 of this Act, is further amended by inserting after the item relating to section 506C, as added by section 321(a)(2), the following new item:

''Sec. 506D. Intelligence community business system transformation.''.

(b) IMPLEMENTATION.—

(1) CERTAIN DUTIES.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall designate a chair and other members to serve on the board established under subsection (f) of such section 506D of the National Security Act of 1947 (as added by subsection (a)).

(2) ENTERPRISE ARCHITECTURE.—

(A) SCHEDULE FOR DEVELOPMENT.—The Director shall develop the enterprise architecture required by subsection (b) of such section 506D (as so added), including the initial Business Enterprise Architecture for business transformation, not later than 60 days after the enactment of this Act.

(B) REQUIREMENT FOR IMPLEMENTATION PLAN.—In developing such an enterprise architecture, the Director shall develop an implementation plan for such enterprise architecture that includes the following:

(i) An acquisition strategy for new systems that are expected to be needed to complete such enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(ii) An identification of the intelligence community business systems in operation or planned as of the date that is 60 days after the enactment of this Act that will not be a part of such enterprise architecture, together with the schedule for the phased termination of the utilization of any such systems.

(iii) An identification of the intelligence community business systems in operation or planned as of such date, that will be a part of such enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

(C) SUBMISSION OF ACQUISITION STRATEGY.—Based on the results of an enterprise process management review and the availability of funds, the Director shall submit the acquisition strategy described in subparagraph (B)(i) to the congressional intelligence committees not later than March 31, 2011.

SEC. 323. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) REPORTS.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 322 of this Act, is further amended by inserting after section 506D, as added by section 322(a)(1), the following new section:

''REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

''SEC. 506E. (a) DEFINITIONS.—In this section:

''(1) The term 'cost estimate'—

''(A) means an assessment and quantification of all costs and risks associated with the acquisition of a major system based upon reasonably available information at the time the Director establishes the 2010 adjusted total acquisition cost for such system pursuant to subsection (h) or restructures such system pursuant to section 506F(c); and

''(B) does not mean an 'independent cost estimate'.

''(2) The term 'critical cost growth threshold' means a percentage increase in the total acquisition cost for a major system of at least 25 percent over the total acquisition cost for the major system as shown in the current Baseline Estimate for the major system.

''(3)(A) The term 'current Baseline Estimate' means the projected total acquisition cost of a major system that is—

''(i) approved by the Director, or a designee of the Director, at Milestone B or an equivalent acquisition decision for the development, procurement, and construction of such system;

''(ii) approved by the Director at the time such system is restructured pursuant to section 506F(c); or

''(iii) the 2010 adjusted total acquisition cost determined pursuant to subsection (h).

''(B) A current Baseline Estimate may be in the form of an independent cost estimate.

''(4) Except as otherwise specifically provided, the term 'Director' means the Director of National Intelligence.

''(5) The term 'independent cost estimate' has the meaning given that term in section 506A(e).

''(6) The term 'major contract' means each of the 6 largest prime, associate, or Government-furnished equipment contracts under a major system that is in excess of $40,000,000 and that is not a firm, fixed price contract.

''(7) The term 'major system' has the meaning given that term in section 506A(e).

''(8) The term 'Milestone B' means a decision to enter into major system development and demonstration pursuant to guidance prescribed by the Director.

''(9) The term 'program manager' means—

''(A) the head of the element of the intelligence community that is responsible for the budget, cost, schedule, and performance of a major system; or

''(B) in the case of a major system within the Office of the Director of National Intelligence, the deputy who is responsible for the budget, cost, schedule, and performance of the major system.

''(10) The term 'significant cost growth threshold' means the percentage increase in the total acquisition cost for a major system of at least 15 percent over the total acquisition cost for such system as shown in the current Baseline Estimate for such system.

''(11) The term 'total acquisition cost' means the amount equal to the total cost for development and procurement of, and system-specific construction for, a major system.

''(b) MAJOR SYSTEM COST REPORTS.—(1) The program manager for a major system shall, on a quarterly basis, submit to the Director a major system cost report as described in paragraph (2).

''(2) A major system cost report shall include the following information (as of the last day of the quarter for which the report is made):

''(A) The total acquisition cost for the major system.

''(B) Any cost variance or schedule variance in a major contract for the major system since the contract was entered into.

''(C) Any changes from a major system schedule milestones or performances that are known, expected, or anticipated by the program manager.

''(D) Any significant changes in the total acquisition cost for development and procurement of any software component of the major system, schedule milestones for such software component of the major system, or expected performance of such software component of the major system that are known, expected, or anticipated by the program manager.

''(3) Each major system cost report required by paragraph (1) shall be submitted not more than 30 days after the end of the reporting quarter.

''(c) REPORTS FOR BREACH OF SIGNIFICANT OR CRITICAL COST GROWTH THRESHOLDS.—If the program manager of a major system for which a report has previously been submitted under subsection (b) determines at any time during a quarter that there is reasonable cause to believe that the total acquisition cost for the major system has increased by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold and if a report indicating an increase of such percentage or more has not previously been submitted to the Director, then the program manager shall immediately submit to the Director a major system cost report containing the information, determined as of the date of the report, required under subsection (b).

''(d) NOTIFICATION TO CONGRESS OF COST GROWTH.—(1) Whenever a major system cost report is submitted to the Director, the Director shall determine whether the current acquisition cost for the major system has increased by a percentage equal to or greater than the significant cost growth threshold or the critical cost growth threshold.

''(2) If the Director determines that the current total acquisition cost has increased by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold, the Director shall submit to Congress a Major System Congressional Report pursuant to subsection (e).

''(e) REQUIREMENT FOR MAJOR SYSTEM CONGRESSIONAL REPORT.—(1) Whenever the Director determines under subsection (d) that the total acquisition cost of a major system has increased by a percentage equal to or greater than the significant cost growth threshold for the major system, a Major System Congressional Report shall be submitted to Congress not later than 45 days after the date on which the Director receives the major system cost report for such major system.

''(2) If the total acquisition cost of a major system (as determined by the Director under subsection (d)) increases by a percentage equal to or greater than the critical cost growth threshold for the program or subprogram, the Director shall take actions consistent with the requirements of section 506F.

''(f) MAJOR SYSTEM CONGRESSIONAL REPORT ELEMENTS.—(1) Except as provided in paragraph (2), each Major System Congressional Report shall include the following:

''(A) The name of the major system.

''(B) The date of the preparation of the report.

''(C) The program phase of the major system as of the date of the preparation of the report.

''(D) The estimate of the total acquisition cost for the major system expressed in constant base-year dollars and in current dollars.

''(E) The current Baseline Estimate for the major system in constant base-year dollars and in current dollars.

''(F) A statement of the reasons for any increase in total acquisition cost for the major system.

''(G) The completion status of the major system—

''(i) expressed as the percentage that the number of years for which funds have been appropriated for the major system is of the number of years for which it is planned that funds will be appropriated for the major system; and

''(ii) expressed as the percentage that the amount of funds that have been appropriated for the major system is of the total amount of funds which it is planned will be appropriated for the major system.

''(H) The fiscal year in which the major system was first authorized and in which funds for such system were first appropriated by Congress.

''(I) The current change and the total change, in dollars and expressed as a percentage, in the total acquisition cost for the major system, stated both in constant base-year dollars and in current dollars.

''(J) The quantity of end items to be acquired under the major system and the current change and total change, if any, in that quantity.

''(K) The identities of the officers responsible for management and cost control of the major system.

''(L) The action taken and proposed to be taken to control future cost growth of the major system.

''(M) Any changes made in the performance or schedule milestones of the major system and the extent to which such changes have contributed to the increase in total acquisition cost for the major system.

''(N) The following contract performance assessment information with respect to each major contract under the major system:

''(i) The name of the contractor.

''(ii) The phase that the contract is in at the time of the preparation of the report.

''(iii) The percentage of work under the contract that has been completed.

''(iv) Any current change and the total change, in dollars and expressed as a percentage, in the contract cost.

''(v) The percentage by which the contract is currently ahead of or behind schedule.

''(vi) A narrative providing a summary explanation of the most significant occurrences, including cost and schedule variances under major contracts of the major system, contributing to the changes identified and a discussion of the effect these occurrences will have on the future costs and schedule of the major system.

''(O) In any case in which one or more problems with a software component of the major system significantly contributed to the increase in costs of the major system, the action taken and proposed to be taken to solve such problems.

''(2) A Major System Congressional Report prepared for a major system for which the increase in the total acquisition cost is due to termination or cancellation of the entire major system shall include only—

''(A) the information described in subparagraphs (A) through (F) of paragraph (1); and

''(B) the total percentage change in total acquisition cost for such system.

''(g) PROHIBITION ON OBLIGATION OF FUNDS.—If a determination of an increase by a percentage equal to or greater than the significant cost growth threshold is made by the Director under subsection (d) and a Major System Congressional Report containing the information described in subsection (f) is not submitted to Congress under subsection (e)(1), or if a determination of an increase by a percentage equal to or greater than the critical cost growth threshold is made by the Director under subsection (d) and the Major System Congressional Report containing the information described in subsection (f) and section 506F(b)(3) and the certification required by section 506F(b)(2) are not submitted to Congress under subsection (e)(2), funds appropriated for construction, research, development, test, evaluation, and procurement may not be obligated for a major contract under the major system. The prohibition on the obligation of funds for a major system shall cease to apply at the end of the 45-day period that begins on the date—

''(1) on which Congress receives the Major System Congressional Report under subsection (e)(1) with respect to that major system, in the case of a determination of an increase by a percentage equal to or greater than the significant cost growth threshold (as determined in subsection (d)); or

''(2) on which Congress receives both the Major System Congressional Report under subsection (e)(2) and the certification of the Director under section 506F(b)(2) with respect to that major system, in the case of an increase by a percentage equal to or greater than the critical cost growth threshold (as determined under subsection (d)).

''(h) TREATMENT OF COST INCREASES PRIOR TO ENACTMENT OF INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—(1) Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010, the Director—

''(A) shall, for each major system, determine if the total acquisition cost of such major system increased by a percentage equal to or greater than the significant cost growth threshold or the critical cost growth threshold prior to such date of enactment;

''(B) shall establish for each major system for which the total acquisition cost has increased by a percentage equal to or greater than the significant cost growth threshold or the critical cost growth threshold prior to such date of enactment a revised current Baseline Estimate based upon an updated cost estimate;

''(C) may, for a major system not described in subparagraph (B), establish a revised current Baseline Estimate based upon an updated cost estimate; and

''(D) shall submit to Congress a report describing—

''(i) each determination made under subparagraph (A);

''(ii) each revised current Baseline Estimate established for a major system under subparagraph (B); and

''(iii) each revised current Baseline Estimate established for a major system under subparagraph (C), including the percentage increase of the total acquisition cost of such major system that occurred prior to the date of the enactment of such Act.

''(2) The revised current Baseline Estimate established for a major system under subparagraph (B) or (C) of paragraph (1) shall be the 2010 adjusted total acquisition cost for the major system and may include the estimated cost of conducting any vulnerability assessments for such major system required under section 506C.

''(i) REQUIREMENTS TO USE BASE YEAR DOLLARS.—Any determination of a percentage increase under this section shall be stated in terms of constant base year dollars.

''(j) FORM OF REPORT.—Any report required to be submitted under this section may be submitted in a classified form.''.

(2) APPLICABILITY DATE OF QUARTERLY REPORTS.—The first report required to be submitted under subsection (b) of section 506E of the National security Act of 1947, as added by paragraph (1) of this subsection, shall be submitted with respect to the first fiscal quarter that begins on a date that is not less than 180 days after the date of the enactment of this Act.

(3) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 322 of this Act, is further amended by inserting after the item relating to section 506D, as added by section 322(a)(2), the following new item:

''Sec. 506E. Reports on the acquisition of major systems.''.

(b) MAJOR DEFENSE ACQUISITION PROGRAMS.—Nothing in this section, section 324, or an amendment made by this section or section 324, shall be construed to exempt an acquisition program of the Department of Defense from the requirements of chapter 144 of title 10, United States Code or Department of Defense Directive 5000, to the extent that such requirements are otherwise applicable.

SEC. 324. CRITICAL COST GROWTH IN MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 323 of this Act, is further amended by inserting after section 506E, as added by section 323(a), the following new section:

''CRITICAL COST GROWTH IN MAJOR SYSTEMS

''SEC. 506F. (a) REASSESSMENT OF MAJOR SYSTEM.—If the Director of National Intelligence determines under section 506E(d) that the total acquisition cost of a major system has increased by a percentage equal to or greater than the critical cost growth threshold for the major system, the Director shall—

''(1) determine the root cause or causes of the critical cost growth, in accordance with applicable statutory requirements, policies, procedures, and guidance; and

''(2) carry out an assessment of—

''(A) the projected cost of completing the major system if current requirements are not modified;

''(B) the projected cost of completing the major system based on reasonable modification of such requirements;

''(C) the rough order of magnitude of the costs of any reasonable alternative system or capability; and

''(D) the need to reduce funding for other systems due to the growth in cost of the major system.

''(b) PRESUMPTION OF TERMINATION.—(1) After conducting the reassessment required by subsection (a) with respect to a major system, the Director shall terminate the major system unless the Director submits to Congress a Major System Congressional Report containing a certification in accordance with paragraph (2) and the information described in paragraph (3). The Director shall submit such Major System Congressional Report and certification not later than 90 days after the date the Director receives the relevant major system cost report under subsection (b) or (c) of section 506E.

''(2) A certification described by this paragraph with respect to a major system is a written certification that—

''(A) the continuation of the major system is essential to the national security;

''(B) there are no alternatives to the major system that will provide acceptable capability to meet the intelligence requirement at less cost;

''(C) the new estimates of the total acquisition cost have been determined by the Director to be reasonable;

''(D) the major system is a higher priority than other systems whose funding must be reduced to accommodate the growth in cost of the major system; and

''(E) the management structure for the major system is adequate to manage and control the total acquisition cost.

''(3) A Major System Congressional Report accompanying a written certification under paragraph (2) shall include, in addition to the requirements of section 506E(e), the root cause analysis and assessment carried out pursuant to subsection (a), the basis for each determination made in accordance with subparagraphs (A) through (E) of paragraph (2), and a description of all funding changes made as a result of the growth in the cost of the major system, including reductions made in funding for other systems to accommodate such cost growth, together with supporting documentation.

''(c) ACTIONS IF MAJOR SYSTEM NOT TERMINATED.—If the Director elects not to terminate a major system pursuant to subsection (b), the Director shall—

''(1) restructure the major system in a manner that addresses the root cause or causes of the critical cost growth, as identified pursuant to subsection (a), and ensures that the system has an appropriate management structure as set forth in the certification submitted pursuant to subsection (b)(2)(E);

''(2) rescind the most recent Milestone approval for the major system;

''(3) require a new Milestone approval for the major system before taking any action to enter a new contract, exercise an option under an existing contract, or otherwise extend the scope of an existing contract under the system, except to the extent determined necessary by the Milestone Decision Authority, on a nondelegable basis, to ensure that the system may be restructured as intended by the Director without unnecessarily wasting resources;

''(4) establish a revised current Baseline Estimate for the major system based upon an updated cost estimate; and

''(5) conduct regular reviews of the major system.

''(d) ACTIONS IF MAJOR SYSTEM TERMINATED.—If a major system is terminated pursuant to subsection (b), the Director shall submit to Congress a written report setting forth—

''(1) an explanation of the reasons for terminating the major system;

''(2) the alternatives considered to address any problems in the major system; and

''(3) the course the Director plans to pursue to meet any intelligence requirements otherwise intended to be met by the major system.

''(e) FORM OF REPORT.—Any report or certification required to be submitted under this section may be submitted in a classified form.

''(f) WAIVER.—(1) The Director may waive the requirements of subsections (d)(2), (e), and (g) of section 506E and subsections (a)(2), (b), (c), and (d) of this section with respect to a major system if the Director determines that at least 90 percent of the amount of the current Baseline Estimate for the major system has been expended.

''(2)(A) If the Director grants a waiver under paragraph (1) with respect to a major system, the Director shall submit to the congressional intelligence committees written notice of the waiver that includes—

''(i) the information described in section 506E(f); and

''(ii) if the current total acquisition cost of the major system has increased by a percentage equal to or greater than the critical cost growth threshold—

''(I) a determination of the root cause or causes of the critical cost growth, as described in subsection (a)(1); and

''(II) a certification that includes the elements described in subparagraphs (A), (B), and (E) of subsection (b)(2).

''(B) The Director shall submit the written notice required by subparagraph (A) not later than 90 days after the date that the Director receives a major system cost report under subsection (b) or (c) of section 506E that indicates that the total acquisition cost for the major system has increased by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold.

''(g) DEFINITIONS.—In this section, the terms 'cost estimate', 'critical cost growth threshold', 'current Baseline Estimate', 'major system', and 'total acquisition cost' have the meaning given those terms in section 506E(a).''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 323 of this Act, is further amended by inserting after the items relating to section 506E, as added by section 323(a)(3), the following new item:

''Sec. 506F. Critical cost growth in major systems.''.

SEC. 325. FUTURE BUDGET PROJECTIONS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 324 of this Act, is further amended by inserting after section 506F, as added by section 324(a), the following new section:

''FUTURE BUDGET PROJECTIONS

''SEC. 506G. (a) FUTURE YEAR INTELLIGENCE PLANS.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide to the congressional intelligence committees a Future Year Intelligence Plan, as described in paragraph (2), for—

''(A) each expenditure center in the National Intelligence Program; and

''(B) each major system in the National Intelligence Program.

''(2)(A) A Future Year Intelligence Plan submitted under this subsection shall include the year-by-year proposed funding for each center or system referred to in subparagraph (A) or (B) of paragraph (1), for the budget year for which the Plan is submitted and not less than the 4 subsequent fiscal years.

''(B) A Future Year Intelligence Plan submitted under subparagraph (B) of paragraph (1) for a major system shall include—

''(i) the estimated total life-cycle cost of such major system; and

''(ii) major milestones that have significant resource implications for such major system.

''(b) LONG-TERM BUDGET PROJECTIONS.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide to the congressional intelligence committees a Long-term Budget Projection for each element of the intelligence community funded under the National Intelligence Program acquiring a major system that includes the budget for such element for the 5-year period that begins on the day after the end of the last fiscal year for which year-by-year proposed funding is included in a Future Year Intelligence Plan for such major system in accordance with subsection (a)(2)(A).

''(2) A Long-term Budget Projection submitted under paragraph (1) shall include—

''(A) projections for the appropriate element of the intelligence community for—

''(i) pay and benefits of officers and employees of such element;

''(ii) other operating and support costs and minor acquisitions of such element;

''(iii) research and technology required by such element;

''(iv) current and planned major system acquisitions for such element;

''(v) any future major system acquisitions for such element; and

''(vi) any additional funding projections that the Director of National Intelligence considers appropriate;

''(B) a budget projection based on effective cost and schedule execution of current or planned major system acquisitions and application of Office of Management and Budget inflation estimates to future major system acquisitions;

''(C) any additional assumptions and projections that the Director of National Intelligence considers appropriate; and

''(D) a description of whether, and to what extent, the total projection for each year exceeds the level that would result from applying the most recent Office of Management and Budget inflation estimate to the budget of that element of the intelligence community.

''(c) SUBMISSION TO CONGRESS.—The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall submit to the congressional intelligence committees each Future Year Intelligence Plan or Long-term Budget Projection required under subsection (a) or (b) for a fiscal year at the time that the President submits to

Congress the budget for such fiscal year pursuant section 1105 of title 31, United States Code.

''(d) MAJOR SYSTEM AFFORDABILITY REPORT.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall prepare a report on the acquisition of a major system funded under the National Intelligence Program before the time that the President submits to Congress the budget for the first fiscal year in which appropriated funds are anticipated to be obligated for the development or procurement of such major system.

''(2) The report on such major system shall include an assessment of whether, and to what extent, such acquisition, if developed, procured, and operated, is projected to cause an increase in the most recent Future Year Intelligence Plan and Long-term Budget Projection submitted under section 506G for an element of the intelligence community.

''(3) The Director of National Intelligence shall update the report whenever an independent cost estimate must be updated pursuant to section 506A(a)(4).

''(4) The Director of National Intelligence shall submit each report required by this subsection at the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31, United States Code.

''(e) DEFINITIONS.—In this section:

''(1) BUDGET YEAR.—The term 'budget year' means the next fiscal year for which the President is required to submit to Congress a budget pursuant to section 1105 of title 31, United States Code.

''(2) INDEPENDENT COST ESTIMATE; MAJOR SYSTEM.—The terms 'independent cost estimate' and 'major system' have the meaning given those terms in section 506A(e).''.

(b) APPLICABILITY DATE.—The first Future Year Intelligence Plan and Long-term Budget Projection required to be submitted under subsection (a) and (b) of section 506G of the National Security Act of 1947, as added by subsection (a), shall be submitted to the congressional intelligence committees at the time that the President submits to Congress the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code.

(c) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 324 of this Act, is further amended by inserting after the items relating to section 506F, as added by section 324(b), the following new item:

''Sec. 506G. Future budget projections.''.

(2) REPEAL OF DUPLICATIVE PROVISION.—Section 8104 of the Department of Defense Appropriations Act, 2010 (50 U.S.C. 415a–3; Public Law 111–118; 123 Stat. 3451) is repealed.

SEC. 326. NATIONAL INTELLIGENCE PROGRAM FUNDED ACQUISITIONS.

Subsection (n) of section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new paragraph:

''(4)(A) In addition to the authority referred to in paragraph (1), the Director of National Intelligence may authorize the head of an element of the intelligence community to exercise an acquisition authority referred to in section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)) for an acquisition by such element that is more than 50 percent funded under the National Intelligence Program.

''(B) The head of an element of the intelligence community may not exercise an authority referred to in subparagraph (A) until—

''(i) the head of such element (without delegation) submits to the Director of National Intelligence a written request that includes—

''(I) a description of such authority requested to be exercised;

''(II) an explanation of the need for such authority, including an explanation of the reasons that other authorities are insufficient; and

''(III) a certification that the mission of such element would be—

''(aa) impaired if such authority is not exercised; or

''(bb) significantly and measurably enhanced if such authority is exercised; and

''(ii) the Director of National Intelligence issues a written authorization that includes—

''(I) a description of the authority referred to in subparagraph (A) that is authorized to be exercised; and

''(II) a justification to support the exercise of such authority.

''(C) A request and authorization to exercise an authority referred to in subparagraph (A) may be made with respect to an individual acquisition or with respect to a specific class of acquisitions described in the request and authorization referred to in subparagraph (B).

''(D)(i) A request from a head of an element of the intelligence community located within one of the departments described in clause (ii) to exercise an authority referred to in subparagraph (A) shall be submitted to the Director of National Intelligence in accordance with any procedures established by the head of such department.

''(ii) The departments described in this clause are the Department of Defense, the Department of Energy, the Department of Homeland Security, the Department of Justice, the Department of State, and the Department of the Treasury.

''(E)(i) The head of an element of the intelligence community may not be authorized to utilize an authority referred to in subparagraph (A) for a class of acquisitions for a period of more than 3 years, except that the Director of National Intelligence (without delegation) may authorize the use of such an authority for not more than 6 years.

''(ii) Each authorization to utilize an authority referred to in subparagraph (A) may be extended in accordance with the requirements of subparagraph (B) for successive periods of not more than 3 years, except that the Director of National Intelligence (without delegation) may authorize an extension period of not more than 6 years.

''(F) Subject to clauses (i) and (ii) of subparagraph (E), the Director of National Intelligence may only delegate the authority of the Director under subparagraphs (A) through (E) to the Principal Deputy Director of National Intelligence or a Deputy Director of National Intelligence.

''(G) The Director of National Intelligence shall submit—

''(i) to the congressional intelligence committees a notification of an authorization to exercise an authority referred to in subparagraph (A) or an extension of such authorization that includes the written authorization referred to in subparagraph (B)(ii); and

''(ii) to the Director of the Office of Management and Budget a notification of an authorization to exercise an authority referred to in subparagraph (A) for an acquisition or class of acquisitions that will exceed $50,000,000 annually.

''(H) Requests and authorizations to exercise an authority referred to in subparagraph (A) shall remain available within the Office of the Director of National Intelligence for a period of at least 6 years following the date of such request or authorization.

''(I) Nothing in this paragraph may be construed to alter or otherwise limit the authority of the Central Intelligence Agency to independently exercise an authority under section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)).''.

Subtitle D—Congressional Oversight, Plans, and Reports

SEC. 331. NOTIFICATION PROCEDURES.

(a) PROCEDURES.—Section 501(c) of the National Security Act of 1947 (50 U.S.C. 413(c)) is amended by striking ''such procedures'' and inserting ''such written procedures''.

(b) INTELLIGENCE ACTIVITIES.—Section 502(a)(2) of such Act (50 U.S.C. 413a(a)(2)) is amended by inserting ''(including the legal basis under which the intelligence activity is being or was conducted)'' after ''concerning intelligence activities''.

(c) COVERT ACTIONS.—Section 503 of such Act (50 U.S.C. 413b) is amended—

(1) in subsection (b)(2), by inserting ''(including the legal basis under which the covert action is being or was conducted)'' after ''concerning covert actions'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''in writing'' after ''be reported'';

(B) in paragraph (4), by striking ''committee. When'' and inserting the following: ''committee. ''(5)(A) When''; and

(C) in paragraph (5), as designated by subparagraph (B)—

(i) in subparagraph (A), as so designated—

(I) by inserting '', or a notification provided under subsection (d)(1),'' after ''access to a finding'';

(II) by inserting ''written'' before ''statement''; and

(ii) by adding at the end the following new subparagraph:

''(B) Not later than 180 days after a statement of reasons is submitted in accordance with subparagraph (A) or this subparagraph, the President shall ensure that—

''(i) all members of the congressional intelligence committees are provided access to the finding or notification; or

''(ii) a statement of reasons that it is essential to continue to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States is submitted to the Members of Congress specified in paragraph (2).'';

(3) in subsection (d)—

(A) by striking ''(d) The President'' and inserting ''(d)(1) The President'';

(B) in paragraph (1), as designated by subparagraph (A), by inserting ''in writing'' after ''notified''; and

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

''(2) In determining whether an activity constitutes a significant undertaking for purposes of paragraph (1), the President shall consider whether the activity—

''(A) involves significant risk of loss of life;

''(B) requires an expansion of existing authorities, including authorities relating to research, development, or operations;

''(C) results in the expenditure of significant funds or other resources;

''(D) requires notification under section 504;

''(E) gives rise to a significant risk of disclosing intelligence sources or methods; or

''(F) presents a reasonably foreseeable risk of serious damage to the diplomatic relations of the United States if such activity were disclosed without authorization.''; and

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

''(g)(1) In any case where access to a finding reported under subsection (c) or notification provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall notify all members of such committee that such finding or such notification has been provided only to the members specified in subsection (c)(2).

''(2) In any case where access to a finding reported under subsection (c) or notification provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall provide to all members of such committee a general description regarding the finding or notification, as applicable, consistent with the reasons for not yet fully informing all members of such committee.

''(3) The President shall maintain—

''(A) a record of the members of Congress to whom a finding is reported under subsection (c) or notification is provided under subsection (d)(1) and the date on which each member of Congress receives such finding or notification; and

''(B) each written statement provided under subsection (c)(5).''.

SEC. 332. CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 325 of this Act, is further amended by adding at the end the following new section:

''CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS

''SEC. 508. The head of each element of the intelligence community shall annually submit to the congressional intelligence committees—

''(1) a certification that, to the best of the knowledge of the head of such element—

''(A) the head of such element is in full compliance with the requirements of this title; and

''(B) any information required to be submitted by the head of such element under this Act before the date of the submission of such certification has been properly submitted; or

''(2) if the head of such element is unable to submit a certification under paragraph (1), a statement—

''(A) of the reasons the head of such element is unable to submit such a certification;

''(B) describing any information required to be submitted by the head of such element under this Act before the date of the submission of such statement that has not been properly submitted; and

''(C) that the head of such element will submit such information as soon as possible after the submission of such statement.''.

(b) APPLICABILITY DATE.—The first certification or statement required to be submitted by the head of each element of the intelligence community under section 508 of the National Security Act of 1947, as added by subsection (a), shall be submitted not later than 90 days after the date of the enactment of this Act.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 325 of this Act, is further amended by inserting after the item related to section 507 the following new item:

''Sec. 508. Certification of compliance with oversight requirements.''.

SEC. 333. REPORT ON DETENTION AND INTERROGATION ACTIVITIES.

(a) REQUIREMENT FOR REPORT.—Not later than December 1, 2010, the Director of National Intelligence, in coordination with the Attorney General and the Secretary of Defense, shall submit to the congressional intelligence committees a comprehensive report containing—

(1) the policies and procedures of the United States Government governing participation by an element of the intelligence community in the interrogation of individuals detained by the United States who are suspected of international terrorism with the objective, in whole or in part, of acquiring national intelligence, including such policies and procedures of each appropriate element of the intelligence community or interagency body established to carry out interrogations;

(2) the policies and procedures relating to any detention by the Central Intelligence Agency of such individuals in accordance with Executive Order 13491;

(3) the legal basis for the policies and procedures referred to in paragraphs (1) and (2);

(4) the training and research to support the policies and procedures referred to in paragraphs (1) and (2); and

(5) any action that has been taken to implement section 1004 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd–1).

(b) OTHER SUBMISSION OF REPORT.—

(1) CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, the Director of National Intelligence, in consultation with the Secretary of Defense, shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. The Director of National Intelligence may authorize redactions of the report and any associated materials submitted pursuant to this paragraph, if such redactions are consistent with the protection of sensitive intelligence sources and methods.

(2) CONGRESSIONAL JUDICIARY COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Justice, the Director of National Intelligence, in consultation with the Attorney General, shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. The Director of National Intelligence may authorize redactions of the report and any associated materials submitted pursuant to this paragraph, if such redactions are consistent with the protection of sensitive intelligence sources and methods.

(c) FORM OF SUBMISSIONS.—Any submission required under this section may be submitted in classified form.

SEC. 334. SUMMARY OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

(1) intelligence relating to recidivism of detainees currently or formerly held at the Naval Detention Facility at Guantanamo Bay, Cuba, by the Department of Defense; and

(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

SEC. 335. REPORT AND STRATEGIC PLAN ON BIOLOGICAL WEAPONS.

(a) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on—

(1) the intelligence collection efforts of the United States dedicated to assessing the threat from biological weapons from state, nonstate, or rogue actors, either foreign or domestic; and

(2) efforts to protect the biodefense knowledge and infrastructure of the United States.

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

(1) an assessment of the intelligence collection efforts of the United States dedicated to detecting the development or use of biological weapons by state, nonstate, or rogue actors, either foreign or domestic;

(2) information on fiscal, human, technical, open-source, and other intelligence collection resources of the United States dedicated for use to detect or protect against the threat of biological weapons;

(3) an assessment of any problems that may reduce the overall effectiveness of United States intelligence collection and analysis to identify and protect biological weapons targets, including—

(A) intelligence collection gaps or inefficiencies;

(B) inadequate information sharing practices; or

(C) inadequate cooperation among departments or agencies of the United States;

(4) a strategic plan prepared by the Director of National Intelligence, in coordination with the Attorney General, the Secretary of Defense, and the Secretary of Homeland Security, that provides for actions for the appropriate elements of the intelligence community to close important intelligence gaps related to biological weapons;

(5) a description of appropriate goals, schedules, milestones, or metrics to measure the long-term effectiveness of actions implemented to carry out the plan described in paragraph (4); and

(6) any long-term resource and human capital issues related to the collection of intelligence regarding biological weapons, including any recommendations to address shortfalls of experienced and qualified staff possessing relevant scientific, language, and technical skills.

(c) IMPLEMENTATION OF STRATEGIC PLAN.—Not later than 30 days after the date on which the Director of National Intelligence submits the report required by subsection (a), the Director shall begin implementation of the strategic plan referred to in subsection (b)(4).

SEC. 336. CYBERSECURITY OVERSIGHT.

(a) NOTIFICATION OF CYBERSECURITY PROGRAMS.—

(1) REQUIREMENT FOR NOTIFICATION.—

(A) EXISTING PROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a notification for each cybersecurity program in operation on such date that includes the documentation referred to in subparagraphs (A) through (F) of paragraph (2).

(B) NEW PROGRAMS.—Not later than 30 days after the date of the commencement of operations of a new cybersecurity program, the President shall submit to Congress a notification of such commencement that includes the documentation referred to in subparagraphs (A) through (F) of paragraph (2).

(2) DOCUMENTATION.—A notification required by paragraph (1) for a cybersecurity program shall include—

(A) the legal basis for the cybersecurity program;

(B) the certification, if any, made pursuant to section 2511(2)(a)(ii)(B) of title 18, United States Code, or other statutory certification of legality for the cybersecurity program;

(C) the concept for the operation of the cybersecurity program that is approved by the head of the appropriate department or agency of the United States;

(D) the assessment, if any, of the privacy impact of the cybersecurity program prepared by the privacy or civil liberties protection officer or comparable officer of such department or agency;

(E) the plan, if any, for independent audit or review of the cybersecurity program to be carried out by the head of such department or agency, in conjunction with the appropriate inspector general; and

(F) recommendations, if any, for legislation to improve the capabilities of the United States Government to protect the cybersecurity of the United States.

(b) PROGRAM REPORTS.—

(1) REQUIREMENT FOR REPORTS.—The head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification was submitted under subsection (a), in consultation with the inspector general for that department or agency, shall submit to Congress and the President a report on such cybersecurity program that includes—

(A) the results of any audit or review of the cybersecurity program carried out under the plan referred to in subsection (a)(2)(E), if any; and

(B) an assessment of whether the implementation of the cybersecurity program—

(i) is in compliance with—

(I) the legal basis referred to in subsection (a)(2)(A); and

(II) an assessment referred to in subsection (a)(2)(D), if any;

(ii) is adequately described by the concept of operation referred to in subsection (a)(2)(C); and

(iii) includes an adequate independent audit or review system and whether improvements to such independent audit or review system are necessary.

(2) SCHEDULE FOR SUBMISSION OF REPORTS.—

(A) EXISTING PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification is required to be submitted under subsection (a)(1)(A) shall submit a report required under paragraph (1).

(B) NEW PROGRAMS.—Not later than 120 days after the date on which a certification is submitted under subsection (a)(1)(B), and annually thereafter, the head of a department or agency of the United States with responsibility for the cybersecurity program for which such certification is submitted shall submit a report required under paragraph (1).

(3) COOPERATION AND COORDINATION.—

(A) COOPERATION.—The head of each department or agency of the United States required to submit a report under paragraph (1) for a particular cybersecurity program, and the inspector general of each such department or agency, shall, to the extent practicable, work in conjunction with any other such head or inspector general required to submit such a report for such cybersecurity program.

(B) COORDINATION.—The heads of all of the departments and agencies of the United States required to submit a report under paragraph (1) for a particular cybersecurity program shall designate one such head to coordinate the conduct of the reports on such program.

(c) INFORMATION SHARING REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community shall jointly submit to Congress and the President a report on the status of the sharing of cyber-threat information, including—

(1) a description of how cyber-threat intelligence information, including classified information, is shared among the agencies and departments of the United States and with persons responsible for critical infrastructure;

(2) a description of the mechanisms by which classified cyber-threat information is distributed;

(3) an assessment of the effectiveness of cyber-threat information sharing and distribution; and

(4) any other matters identified by either Inspector General that would help to fully inform Congress or the President regarding the effectiveness and legality of cybersecurity programs.

(d) PERSONNEL DETAILS.—

(1) AUTHORITY TO DETAIL.—Notwithstanding any other provision of law, the head of an element of the intelligence community that is funded through the National Intelligence Program may detail an officer or employee of such element to the National Cyber Investigative Joint Task Force or to the Department of Homeland Security to assist the Task Force or the Department with cybersecurity, as jointly agreed by the head of such element and the Task Force or the Department.

(2) BASIS FOR DETAIL.—A personnel detail made under paragraph (1) may be made—

(A) for a period of not more than three years; and

(B) on a reimbursable or nonreimbursable basis.

(e) ADDITIONAL PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a plan for recruiting, retaining, and training a highly-qualified cybersecurity intelligence community workforce to secure the networks of the intelligence community. Such plan shall include—

(1) an assessment of the capabilities of the current workforce;

(2) an examination of issues of recruiting, retention, and the professional development of such workforce, including the possibility of providing retention bonuses or other forms of compensation;

(3) an assessment of the benefits of outreach and training with both private industry and academic institutions with respect to such workforce;

(4) an assessment of the impact of the establishment of the Department of Defense Cyber Command on such workforce;

(5) an examination of best practices for making the intelligence community workforce aware of cybersecurity best practices and principles; and

(6) strategies for addressing such other matters as the Director of National Intelligence considers necessary to the cybersecurity of the intelligence community.

(f) REPORT ON GUIDELINES AND LEGISLATION TO IMPROVE CYBERSECURITY OF THE UNITED STATES.—

(1) INITIAL.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Attorney General, the Director of the National Security Agency, the White House Cybersecurity Coordinator, and any other officials the Director of National Intelligence considers appropriate, shall submit to Congress a report containing guidelines or legislative recommendations, if appropriate, to improve the capabilities of the intelligence community and law enforcement agencies to protect the cybersecurity of the United States. Such report shall include guidelines or legislative recommendations on—

(A) improving the ability of the intelligence community to detect hostile actions and attribute attacks to specific parties;

(B) the need for data retention requirements to assist the intelligence community and law enforcement agencies;

(C) improving the ability of the intelligence community to anticipate nontraditional targets of foreign intelligence services; and

(D) the adequacy of existing criminal statutes to successfully deter cyber attacks, including statutes criminalizing the facilitation of criminal acts, the scope of laws for which a cyber crime constitutes a predicate offense, trespassing statutes, data breach notification requirements, and victim restitution statutes.

(2) SUBSEQUENT.—Not later than one year after the date on which the initial report is submitted under paragraph (1), and annually thereafter for two years, the Director of National Intelligence, in consultation with the Attorney General, the Director of the National Security Agency, the White House Cybersecurity Coordinator, and any other officials the Director of National Intelligence considers appropriate, shall submit to Congress an update of the report required under paragraph (1).

(g) SUNSET.—The requirements and authorities of subsections (a) through (e) shall terminate on December 31, 2013.

(h) DEFINITIONS.—In this section:

(1) CYBERSECURITY PROGRAM.—The term ''cybersecurity program'' means a class or collection of similar cybersecurity operations of a department or agency of the United States that involves personally identifiable data that is—

(A) screened by a cybersecurity system outside of the department or agency of the United States that was the intended recipient of the personally identifiable data;

(B) transferred, for the purpose of cybersecurity, outside the department or agency of the United States that was the intended recipient of the personally identifiable data; or

(C) transferred, for the purpose of cybersecurity, to an element of the intelligence community.

(2) NATIONAL CYBER INVESTIGATIVE JOINT TASK FORCE.—The term ''National Cyber Investigative Joint Task Force'' means the multiagency cyber investigation coordination organization overseen by the Director of the Federal Bureau of Investigation known as the National Cyber Investigative Joint Task Force that coordinates, integrates, and provides pertinent information related to cybersecurity investigations.

(3) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given that term in section 1016 of the USA PATRIOT Act (42 U.S.C. 5195c).

SEC. 337. REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, and biennially thereafter for four years, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the proficiency in foreign languages and, as appropriate, in foreign dialects, of each element of the intelligence community, including—

(1) the number of positions authorized for such element that require foreign language proficiency and a description of the level of proficiency required;

(2) an estimate of the number of such positions that such element will require during the five-year period beginning on the date of the submission of the report;

(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

(A) military personnel; and

(B) civilian personnel;

(4) the number of applicants for positions in such element in the preceding fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and a description of the proficiency level of such persons;

(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

(7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;

(8) an assessment of methods and models for basic, advanced, and intensive foreign language training utilized by such element;

(9) for each foreign language and, as appropriate, dialect of a foreign language—

(A) the number of positions of such element that require proficiency in the foreign language or dialect;

(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

(I) the percentage of work requiring linguistic skills that is fulfilled by a foreign country, international organization, or other foreign entity; and

(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

(11) an identification of any critical gaps in foreign language proficiency with respect to such element and recommendations for eliminating such gaps;

(12) recommendations, if any, for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

(13) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the United States Government in Iraq or Afghanistan to meet the critical language needs of such element.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 338. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) REQUIREMENT FOR REPORT.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the head of each element of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each such element to increase diversity within the intelligence community.

(b) CONTENT.—The report required by subsection (a) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 339. REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS.

(a) REQUIREMENT FOR REPORT.—Not later than February 1, 2011, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report describing the use of personal services contracts across the intelligence community, the impact of the use of such contracts on the intelligence community workforce, plans for conversion of contractor employment into United States Government employment, and the accountability mechanisms that govern the performance of such personal services contracts.

(b) CONTENT.—

(1) IN GENERAL.—The report submitted under subsection (a) shall include—

(A) a description of any relevant regulations or guidance issued by the Director of National Intelligence or the head of an element of the intelligence community and in effect as of February 1, 2011, relating to minimum standards required regarding the hiring, training, security clearance, and assignment of contract personnel and how those standards may differ from those for United States Government employees performing substantially similar functions;

(B) an identification of contracts in effect during the preceding fiscal year under which the contractor is performing substantially similar functions to a United States Government employee;

(C) an assessment of costs incurred or savings achieved during the preceding fiscal year by awarding contracts for the performance of such functions referred to in subparagraph (B) instead of using full-time employees of the elements of the intelligence community to perform such functions;

(D) an assessment of the appropriateness of using contractors to perform the activities described in paragraph (2);

(E) an estimate of the number of contracts, and the number of personnel working under such contracts, related to the performance of activities described in paragraph (2);

(F) a comparison of the compensation of contract employees and United States Government employees performing substantially similar functions during the preceding fiscal year;

(G) an analysis of the attrition of United States Government employees for contractor positions that provide substantially similar functions during the preceding fiscal year;

(H) a description of positions that have been or will be converted from contractor employment to United States Government employment during fiscal years 2011 and 2012;

(I) an analysis of the oversight and accountability mechanisms applicable to personal services contracts awarded for intelligence activities by each element of the intelligence community during fiscal years 2009 and 2010;

(J) an analysis of procedures in use in the intelligence community as of February 1, 2011, for conducting oversight of contractors to ensure identification and prosecution of criminal violations, financial waste, fraud, or other abuses committed by contractors or contract personnel; and

(K) an identification of best practices for oversight and accountability mechanisms applicable to personal services contracts.

(2) ACTIVITIES.—Activities described in this paragraph are the following:

(A) Intelligence collection.

(B) Intelligence analysis.

(C) Covert actions, including rendition, detention, and interrogation activities.

SEC. 340. STUDY ON ELECTRONIC WASTE DESTRUCTION PRACTICES OF THE INTELLIGENCE COMMUNITY.

(a) STUDY.—The Inspector General of the Intelligence Community shall conduct a study on the electronic waste destruction practices of the intelligence community. Such study shall assess—

(1) the security of the electronic waste disposal practices of the intelligence community, including the potential for counterintelligence exploitation of destroyed, discarded, or recycled materials;

(2) the environmental impact of such disposal practices; and

(3) methods to improve the security and environmental impact of such disposal practices, including steps to prevent the forensic exploitation of electronic waste.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 341. REVIEW OF RECORDS RELATING TO POTENTIAL HEALTH RISKS AMONG DESERT STORM VETERANS.

(a) REVIEW.—The Director of the Central Intelligence Agency shall conduct a classification review of the records of the Agency that are relevant to the known or potential health effects suffered by veterans of Operation Desert Storm as described in the November 2008, report by the Department of Veterans Affairs Research Advisory Committee on Gulf War Veterans' Illnesses.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to Congress the results of the classification review conducted under subsection (a), including the total number of records of the Agency that are relevant.

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 342. REVIEW OF FEDERAL BUREAU OF INVESTIGATION EXERCISE OF ENFORCEMENT JURISDICTION IN FOREIGN NATIONS.

Not later than 120 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in consultation with the Secretary of State, shall submit to Congress a review of constraints under international law and the laws of foreign nations to the assertion of enforcement jurisdiction with respect to criminal investigations of terrorism offenses under the laws of the United States conducted by agents of the Federal Bureau of Investigation in foreign nations and using funds made available for the National Intelligence Program, including constraints identified in section 432 of the Restatement (Third) of the Foreign Relations Law of the United States.

SEC. 343. PUBLIC RELEASE OF INFORMATION ON PROCEDURES USED IN NARCOTICS AIRBRIDGE DENIAL PROGRAM IN PERU.

Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall make publicly available an unclassified version of the report of the Inspector General of the Central Intelligence Agency entitled ''Procedures Used in Narcotics Airbridge Denial Program in Peru, 1995–2001'', dated August 25, 2008.

SEC. 344. REPORT ON THREAT FROM DIRTY BOMBS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Nuclear Regulatory Commission, shall submit to Congress a report summarizing intelligence related to the threat to the United States from weapons that use radiological materials, including highly dispersible substances such as cesium-137.

SEC. 345. REPORT ON CREATION OF SPACE INTELLIGENCE OFFICE.

Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the feasibility and advisability of creating a national space intelligence office to manage space-related intelligence assets and access to such assets.

SEC. 346. REPORT ON ATTEMPT TO DETONATE EXPLOSIVE DEVICE ON NORTHWEST AIRLINES FLIGHT 253.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the attempt to detonate an explosive device aboard Northwest Airlines flight number 253 on December 25, 2009. Such report shall describe the failures, if any, to share or analyze intelligence or other information and the measures that the intelligence community has taken or will take to prevent such failures, including—

(1) a description of the roles and responsibilities of the counterterrorism analytic components of the intelligence community in synchronizing, correlating, and analyzing all sources of intelligence related to terrorism;

(2) an assessment of the technological capabilities of the United States Government to assess terrorist threats, including—

(A) a list of all databases used by counterterrorism analysts;

(B) a description of the steps taken by the intelligence community to integrate all relevant terrorist databases and allow for cross-database searches;

(C) a description of the steps taken by the intelligence community to correlate biographic information with terrorism-related intelligence; and

(D) a description of the improvements to information technology needed to enable the United States Government to better share information;

(3) any recommendations that the Director considers appropriate for legislation to improve the sharing of intelligence or information relating to terrorists;

(4) a description of the steps taken by the intelligence community to train analysts on watchlisting processes and procedures;

(5) a description of the manner in which watchlisting information is entered, reviewed, searched, analyzed, and acted upon by the relevant elements of the United States Government;

(6) a description of the steps the intelligence community is taking to enhance the rigor and raise the standard of tradecraft of intelligence analysis related to uncovering and preventing terrorist plots;

(7) a description of the processes and procedures by which the intelligence community prioritizes terrorism threat leads and the standards used by elements of the intelligence community to determine if follow-up action is appropriate;

(8) a description of the steps taken to enhance record information on possible terrorists in the Terrorist Identities Datamart Environment;

(9) an assessment of how to meet the challenge associated with exploiting the ever-increasing volume of information available to the intelligence community; and

(10) a description of the steps the intelligence community has taken or will take to respond to any findings and recommendations of the congressional intelligence committees, with respect to any such failures, that have been transmitted to the Director of National Intelligence.

SEC. 347. REPEAL OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON INTELLIGENCE.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(b) ANNUAL AND SPECIAL REPORTS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(c) ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.—Section 114A of the National Security Act of 1947 (50 U.S.C. 404i–1) is repealed.

(d) REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.—Section 118 of the National Security Act of 1947 (50 U.S.C. 404m) is amended—

(1) in the heading, by striking ''SEMIANNUAL'' and inserting ''ANNUAL'';

(2) in subsection (a)—

(A) in the heading, by striking ''SEMIANNUAL'' and inserting ''ANNUAL'';

(B) in the matter preceding paragraph (1)—

(i) by striking ''semiannual basis'' and inserting ''annual basis''; and

(ii) by striking ''preceding six-month period'' and inserting ''preceding one-year period'';

(C) by striking paragraph (2); and

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

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''the Committee on Armed Services,'' after ''the Committee on Appropriations,''; and

(B) in paragraph (2), by inserting ''the Committee on Armed Services,'' after ''the Committee on Appropriations,''.

(e) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking ''(1)''; and

(2) by striking paragraph (2).

(f) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(g) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 21 U.S.C. 873 note) is repealed.

(h) BIENNIAL REPORT ON FOREIGN INDUSTRIAL ESPIONAGE.—Subsection (b) of section 809 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. App. 2170b) is amended—

(1) in the heading, by striking ''ANNUAL UPDATE'' and inserting ''BIENNIAL REPORT'';

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

''(1) REQUIREMENT TO SUBMIT.—Not later than February 1, 2011, and once every two years thereafter, the President shall submit to the congressional intelligence committees and congressional leadership a report updating the information referred to in subsection (a)(1)D).''; and

(3) by redesignating paragraph (3) as paragraph (2).

(i) TABLE OF CONTENTS AMENDMENTS.—

(1) NATIONAL SECURITY ACT OF 1947.—The table of contents in the first section of the National Security Act of 1947, as amended by section 332 of this Act, is further amended—

(A) by striking the item relating to section 109;

(B) by striking the item relating to section 114A; and

(C) by striking the item relating to section 118 and inserting the following new item:

''Sec. 118. Annual report on financial intelligence on terrorist assets.''.

(2) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—The table of contents in the first section of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2383) is amended by striking the item relating to section 826.

SEC. 348. INFORMATION ACCESS BY THE COMPTROLLER GENERAL OF THE UNITED STATES.

(a) DNI DIRECTIVE GOVERNING ACCESS.—

(1) REQUIREMENT FOR DIRECTIVE.—The Director of National Intelligence, in consultation with the Comptroller General of the United States, shall issue a written directive governing the access of the Comptroller General to information in the possession of an element of the intelligence community.

(2) AMENDMENT TO DIRECTIVE.—The Director of National Intelligence, in consultation with the Comptroller General, may issue an amendment to the directive issued under paragraph (1) at any time the Director determines such an amendment is appropriate.

(3) RELATIONSHIP TO OTHER LAWS.—The directive issued under paragraph (1) and any amendment to such directive issued under paragraph (2) shall be consistent with the provisions of—

(A) chapter 7 of title 31, United States Code; and

(B) the National Security Act of 1947 (50 U.S.C. 401 et seq.).

(b) CONFIDENTIALITY OF INFORMATION.—

(1) REQUIREMENT FOR CONFIDENTIALITY.—The Comptroller General of the United States shall ensure that the level of confidentiality of information made available to the Comptroller General pursuant to the directive issued under subsection (a)(1) or an amendment to such directive issued under subsection (a)(2) is not less than the level of confidentiality of such information required of the head of the element of the intelligence community from which such information was obtained.

(2) PENALTIES FOR UNAUTHORIZED DISCLOSURE.—An officer or employee of the Government Accountability Office shall be subject to the same statutory penalties for unauthorized disclosure or use of such information as an officer or employee of the element of the intelligence community from which such information was obtained.

(c) SUBMISSION TO CONGRESS.—

(1) SUBMISSION OF DIRECTIVE.—The directive issued under subsection (a)(1) shall be submitted to Congress by the Director of National Intelligence, together with any comments of the Comptroller General of the United States, no later than May 1, 2011.

(2) SUBMISSION OF AMENDMENT.—Any amendment to such directive issued under subsection (a)(2) shall be submitted to Congress by the Director, together with any comments of the Comptroller General.

(d) EFFECTIVE DATE.—The directive issued under subsection (a)(1) and any amendment to such directive issued under subsection (a)(2) shall take effect 60 days after the date such directive or amendment is submitted to Congress under subsection (c), unless the Director determines that for reasons of national security the directive or amendment should take effect sooner.

SEC. 349. CONFORMING AMENDMENTS FOR REPORT SUBMISSION DATES.

Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraphs (A), (B), and (G);

(ii) by redesignating subparagraphs (C), (D), (E), (F), (H), (I), and (N) as subparagraphs (A), (B), (C), (D), (E), (F), and (G), respectively; and

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

''(H) The annual report on outside employment of employees of elements of the intelligence community required by section 102A(u)(2).

''(I) The annual report on financial intelligence on terrorist assets required by section 118.''; and

(B) in paragraph (2), by striking subparagraphs (C) and (D); and

(2) in subsection (b), by striking paragraph (6).

Subtitle E—Other Matters

SEC. 361. EXTENSION OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraph (A) or (C) of paragraph (2) or in subparagraph (A) or (C) of paragraph (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

''(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence who shall keep a record of such information.

''(C) In this paragraph, the term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 362. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

''(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 363. PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION.

(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

(1) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(2) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''10 years''.

(b) MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.—The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting ''including an assessment of the need, if any, for modification of this title for the purpose of improving legal protections for covert agents,'' after ''measures to protect the identities of covert agents,''.

SEC. 364. NATIONAL INTELLIGENCE PROGRAM BUDGET.

Section 601 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 415c) is amended to read as follows:

''SEC. 601. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

''(a) BUDGET REQUEST.—At the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31, United States Code, the President shall disclose to the public the aggregate amount of appropriations requested for that fiscal year for the National Intelligence Program.

''(b) AMOUNTS APPROPRIATED EACH FISCAL YEAR.—Not later than 30 days after the end of each fiscal year, the Director of National Intelligence shall disclose to the public the aggregate amount of funds appropriated by Congress for the National Intelligence Program for such fiscal year.

''(c) WAIVER.—

''(1) IN GENERAL.—The President may waive or postpone the disclosure required by subsection (a) or (b) for a fiscal year by submitting to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives—

''(A) a statement, in unclassified form, that the disclosure required in subsection (a) or (b) for that fiscal year would damage national security; and

''(B) a statement detailing the reasons for the waiver or postponement, which may be submitted in classified form.

''(2) SUBMISSION DATES.—The President shall submit the statements required under paragraph (1)—

''(A) in the case of a waiver or postponement of a disclosure required under subsection (a), at the time of the submission of the budget for the fiscal year for which such disclosure is waived or postponed; and

''(B) in the case of a waiver or postponement of a disclosure required under subsection (b), not later than 30 days after the date of the end of the fiscal year for which such disclosure is waived or postponed.

''(d) DEFINITION.—As used in this section, the term 'National Intelligence Program' has the meaning given the term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).''.

SEC. 365. IMPROVING THE REVIEW AUTHORITY OF THE PUBLIC INTEREST DECLASSIFICATION BOARD.

Paragraph (5) of section 703(b) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) by striking ''jurisdiction,'' and inserting ''jurisdiction or by a member of the committee of jurisdiction,''; and

(2) by inserting '', to evaluate the proper classification of certain records,'' after ''certain records''.

SEC. 366. AUTHORITY TO DESIGNATE UNDERCOVER OPERATIONS TO COLLECT FOREIGN INTELLIGENCE OR COUNTERINTELLIGENCE.

Paragraph (1) of section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (Public Law 102–395; 28 U.S.C. 533 note) is amended in the flush text following subparagraph (D) by striking ''(or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Assistant Attorney General for National Security)'' and inserting ''(or a designee of the Director who is in a position not lower than Deputy Assistant Director in the National Security Branch or a similar successor position) and the Attorney General (or a designee of the Attorney General who is in the National Security Division in a position not lower than Deputy Assistant Attorney General or a similar successor position)''.

SEC. 367. SECURITY CLEARANCES: REPORTS; RECIPROCITY.

(a) REPORTS RELATING TO SECURITY CLEARANCES.—

(1) QUADRENNIAL AUDIT; SECURITY CLEARANCE DETERMINATIONS.—

(A) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 325 of this Act, is further amended by inserting after section 506G, as added by section 325(a), the following new section:

''REPORTS ON SECURITY CLEARANCES

''SEC. 506H. (a) QUADRENNIAL AUDIT OF POSITION REQUIREMENTS.—(1) The President shall every four years conduct an audit of the manner in which the executive branch determines whether a security clearance is required for a particular position in the United States Government.

''(2) Not later than 30 days after the completion of an audit conducted under paragraph (1), the President shall submit to Congress the results of such audit.

''(b) REPORT ON SECURITY CLEARANCE DETERMINATIONS.—(1) Not later than February 1 of each year, the President shall submit to Congress a report on the security clearance process. Such report shall include, for each security clearance level—

''(A) the number of employees of the United States Government who—

''(i) held a security clearance at such level as of October 1 of the preceding year; and

''(ii) were approved for a security clearance at such level during the preceding fiscal year;

''(B) the number of contractors to the United States Government who—

''(i) held a security clearance at such level as of October 1 of the preceding year; and

''(ii) were approved for a security clearance at such level during the preceding fiscal year; and

''(C) for each element of the intelligence community—

''(i) the total amount of time it took to process the security clearance determination for such level that—

''(I) was among the 80 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

''(II) took the longest amount of time to complete;

''(ii) the total amount of time it took to process the security clearance determination for such level that—

''(I) was among the 90 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

''(II) took the longest amount of time to complete;

''(iii) the number of pending security clearance investigations for such level as of October 1 of the preceding year that have remained pending for—

''(I) 4 months or less;

''(II) between 4 months and 8 months;

''(III) between 8 months and one year; and

''(IV) more than one year;

''(iv) the percentage of reviews during the preceding fiscal year that resulted in a denial or revocation of a security clearance;

''(v) the percentage of investigations during the preceding fiscal year that resulted in incomplete information;

''(vi) the percentage of investigations during the preceding fiscal year that did not result in enough information to make a decision on potentially adverse information; and

''(vii) for security clearance determinations completed or pending during the preceding fiscal year that have taken longer than one year to complete—

''(I) the number of security clearance determinations for positions as employees of the United States Government that required more than one year to complete;

''(II) the number of security clearance determinations for contractors that required more than one year to complete;

''(III) the agencies that investigated and adjudicated such determinations; and

''(IV) the cause of significant delays in such determinations.

''(2) For purposes of paragraph (1), the President may consider—

''(A) security clearances at the level of confidential and secret as one security clearance level; and

''(B) security clearances at the level of top secret or higher as one security clearance level.

''(c) FORM.—The results required under subsection (a)(2) and the reports required under subsection (b)(1) shall be submitted in unclassified form, but may include a classified annex.''.

(B) INITIAL AUDIT.—The first audit required to be conducted under section 506H(a)(1) of the National Security Act of 1947, as added by subparagraph (A) of this paragraph, shall be completed not later than February 1, 2011.

(C) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 347(i) of this Act, is further amended by inserting after the item relating to section 506G, as added by section 325 of this Act, the following new item:

''Sec. 506H. Reports on security clearances.''.

(2) REPORT ON METRICS FOR ADJUDICATION QUALITY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on security clearance investigations and adjudications. Such report shall include—

(A) United States Government-wide adjudication guidelines and metrics for adjudication quality;

(B) a plan to improve the professional development of security clearance adjudicators;

(C) metrics to evaluate the effectiveness of interagency clearance reciprocity;

(D) United States Government-wide investigation standards and metrics for investigation quality; and

(E) the advisability, feasibility, counterintelligence risk, and cost effectiveness of—

(i) by not later than January 1, 2012, requiring the investigation and adjudication of security clearances to be conducted by not more than two Federal agencies; and

(ii) by not later than January 1, 2015, requiring the investigation and adjudication of security clearances to be conducted by not more than one Federal agency.

(b) SECURITY CLEARANCE RECIPROCITY.—

(1) AUDIT.—The Inspector General of the Intelligence Community shall conduct an audit of the reciprocity of security clearances among the elements of the intelligence community.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the audit

conducted under paragraph (1). Such report shall include an assessment of the time required to obtain a reciprocal security clearance for—

(A) an employee of an element of the intelligence community detailed to another element of the intelligence community;

(B) an employee of an element of the intelligence community seeking permanent employment with another element of the intelligence community; and

(C) a contractor seeking permanent employment with an element of the intelligence community.

(3) FORM.—The report required under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 368. CORRECTING LONG-STANDING MATERIAL WEAKNESSES.

(a) DEFINITIONS.—In this section:

(1) COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''covered element of the intelligence community'' means—

(A) the Central Intelligence Agency;

(B) the Defense Intelligence Agency;

(C) the National Geospatial-Intelligence Agency;

(D) the National Reconnaissance Office; or

(E) the National Security Agency.

(2) INDEPENDENT AUDITOR.—The term ''independent auditor'' means an individual who—

(A)(i) is a Federal, State, or local government auditor who meets the independence standards included in generally accepted government auditing standards; or

(ii) is a public accountant who meets such independence standards; and

(B) is designated as an auditor by the Director of National Intelligence or the head of a covered element of the intelligence community, as appropriate.

(3) INDEPENDENT REVIEW.—The term ''independent review'' means an audit, attestation, or examination conducted by an independent auditor in accordance with generally accepted government auditing standards.

(4) LONG-STANDING, CORRECTABLE MATERIAL WEAKNESS.—The term ''long-standing, correctable material weakness'' means a material weakness—

(A) that was first reported in the annual financial report of a covered element of the intelligence community for a fiscal year prior to fiscal year 2007; and

(B) the correction of which is not substantially dependent on a business system that was not implemented prior to the end of fiscal year 2010.

(5) MATERIAL WEAKNESS.—The term ''material weakness'' has the meaning given that term under the Office of Management and Budget Circular A–123, entitled ''Management's Responsibility for Internal Control,'' revised December 21, 2004.

(6) SENIOR INTELLIGENCE MANAGEMENT OFFICIAL.—The term ''senior intelligence management official'' means an official within a covered element of the intelligence community who is—

(A)(i) compensated under the Senior Intelligence Service pay scale; or

(ii) the head of a covered element of the intelligence community; and

(B) compensated for employment with funds appropriated pursuant to an authorization of appropriations in this Act.

(b) IDENTIFICATION OF SENIOR INTELLIGENCE MANAGEMENT OFFICIALS.—

(1) REQUIREMENT TO IDENTIFY.—Not later than 30 days after the date of the enactment of this Act, the head of a covered element of the intelligence community shall designate a senior intelligence management official of such element to be responsible for correcting each long-standing, correctable material weakness of such element.

(2) HEAD OF A COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The head of a covered element of the intelligence community may designate himself or herself as the senior intelligence management official responsible for correcting a long-standing, correctable material weakness under paragraph (1).

(3) REQUIREMENT TO UPDATE DESIGNATION.—If the head of a covered element of the intelligence community determines that a senior intelligence management official designated under paragraph (1) is no longer responsible for correcting a long-standing, correctable material weakness, the head of such element shall designate the successor to such official not later than 10 days after the date of such determination.

(c) NOTIFICATION.—Not later than 10 days after the date on which the head of a covered element of the intelligence community has designated a senior intelligence management official pursuant to paragraph (1) or (3) of subsection (b), the head of such element shall provide written notification of such designation to the Director of National Intelligence and to such senior intelligence management official.

(d) CORRECTION OF LONG-STANDING, MATERIAL WEAKNESS.—

(1) DETERMINATION OF CORRECTION OF DEFICIENCY.—If a long-standing, correctable material weakness is corrected, the senior intelligence management official who is responsible for correcting such long-standing, correctable material weakness shall make and issue a determination of the correction.

(2) BASIS FOR DETERMINATION.—The determination of the senior intelligence management official under paragraph (1) shall be based on the findings of an independent review.

(3) NOTIFICATION AND SUBMISSION OF FINDINGS.—A senior intelligence management official who makes a determination under paragraph (1) shall—

(A) notify the head of the appropriate covered element of the intelligence community of such determination at the time the determination is made; and

(B) ensure that the independent auditor whose findings are the basis of a determination under paragraph (1) submits to the head of the covered element of the intelligence community and the Director of National Intelligence the findings that such determination is based on not later than 5 days after the date on which such determination is made.

(e) CONGRESSIONAL OVERSIGHT.—The head of a covered element of the intelligence community shall notify the congressional intelligence committees not later than 30 days after the date—

(1) on which a senior intelligence management official is designated under paragraph (1) or (3) of subsection (b) and notified under subsection (c); or

(2) of the correction of a long-standing, correctable material weakness, as verified by an independent auditor under subsection (d)(2).

SEC. 369. INTELLIGENCE COMMUNITY FINANCIAL IMPROVEMENT AND AUDIT READINESS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct a review of the status of the auditability compliance of each element of the intelligence community; and

(2) develop a plan and schedule to achieve a full, unqualified audit of each element of the intelligence community not later than September 30, 2013.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (f) of section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following new paragraph:

''(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct an accountability review of an element of the intelligence community or the personnel of such element in relation to a failure or deficiency within the intelligence community.

''(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting an accountability review under subparagraph (A).

''(C)(i) The Director of National Intelligence shall provide the findings of an accountability review conducted under subparagraph (A) and the Director's recommendations for corrective or punitive action, if any, to the head of the applicable element of the intelligence community. Such recommendations may include a recommendation for dismissal of personnel.

''(ii) If the head of such element does not implement a recommendation made by the Director under clause (i), the head of such element shall submit to the congressional intelligence committees a notice of the determination not to implement the recommendation, including the reasons for the determination.

''(D) The requirements of this paragraph shall not be construed to limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.''.

SEC. 402. AUTHORITIES FOR INTELLIGENCE INFORMATION SHARING.

(a) AUTHORITIES FOR INTERAGENCY FUNDING.—Section 102A(d)(2) of the National Security Act of 1947 (50 U.S.C. 403–1(d)(2)) is amended by striking ''Program to another such program.'' and inserting ''Program—

''(A) to another such program;

''(B) to other departments or agencies of the United States Government for the development and fielding of systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; or

''(C) to a program funded by appropriations not within the National Intelligence Program to address critical gaps in intelligence information sharing or access capabilities.''.

(b) AUTHORITIES OF HEADS OF OTHER DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, the head of any department or agency of the United States is authorized to receive and utilize funds made available to the department or agency by the Director of National Intelligence pursuant to section 102A(d)(2) of the National Security Act of 1947 (50 U.S.C. 403–1(d)(2)), as amended by subsection (a), and receive and utilize any system referred to in such section that is made available to such department or agency.

SEC. 403. LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (e) of section 103 of the National Security Act of 1947 (50 U.S.C. 403–3) is amended to read as follows:

''(e) LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—The headquarters of the Office of the Director of National Intelligence may be located in the Washington metropolitan region, as that term is defined in section 8301 of title 40, United States Code.''.

SEC. 404. TITLE AND APPOINTMENT OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended—

(1) in subsection (a)—

(A) by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(B) by striking ''President,'' and all that follows and inserting ''President.'';

(2) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(3) in subsection (b) (as so redesignated), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(4) in subsection (c) (as so redesignated), by inserting ''of the Intelligence Community'' before ''may not''.

SEC. 405. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 347 of this Act, is further amended by inserting after section 103G the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

''(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is—

''(1) to create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independent investigations, inspections, audits, and reviews on programs and activities within the responsibility and authority of the Director of National Intelligence;

''(2) to provide leadership and coordination and recommend policies for activities designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and activities; and

''(B) to prevent and detect fraud and abuse in such programs and activities;

''(3) to provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to the administration of programs and activities within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, to ensure that the congressional intelligence committees are kept similarly informed of—

''(A) significant problems and deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) on the basis of integrity, compliance with security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or investigations.

''(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

''(4) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the congressional intelligence committees the reasons for the removal not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.

''(d) ASSISTANT INSPECTORS GENERAL.—Subject to the policies of the Director of National Intelligence, the Inspector General of the Intelligence Community shall—

''(1) appoint an Assistant Inspector General for Audit who shall have the responsibility for supervising the performance of auditing activities relating to programs and activities within the responsibility and authority of the Director;

''(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and activities; and

''(3) appoint other Assistant Inspectors General that, in the judgment of the Inspector General, are necessary to carry out the duties of the Inspector General.

''(e) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General of the Intelligence Community—

''(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, audits, and reviews relating to programs and activities within the responsibility and authority of the Director of National Intelligence;

''(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, fraud, and other serious problems, abuses, and deficiencies relating to the programs and activities within the responsibility and authority of the Director, to recommend corrective action concerning such problems, and to report on the progress made in implementing such corrective action;

''(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

''(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing.

''(f) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, audit, or review if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

''(2) Not later than seven days after the date on which the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority.

''(3) The Director shall advise the Inspector General at the time a statement under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement.

''(4) The Inspector General may submit to the congressional intelligence committees any comments on the statement of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

''(g) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall, subject to the limitations in subsection (f), make such investigations and reports relating to the administration of the programs and activities within the authorities and responsibilities of the Director as are, in the judgment of the Inspector General, necessary or desirable.

''(B) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community needed for the performance of the duties of the Inspector General.

''(C) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials that relate to the programs and activities with respect to which the Inspector General has responsibilities under this section.

''(D) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (C).

''(E) The Director, or on the recommendation of the Director, another appropriate official of the intelligence community, shall take appropriate administrative actions against an employee, or an employee of a contractor, of an element of the intelligence community that fails to cooperate with the Inspector General. Such administrative action may include loss of employment or the termination of an existing contractual relationship.

''(3) The Inspector General is authorized to receive and investigate, pursuant to subsection (h), complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the intelligence community—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or disclosing such information to the Inspector General may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall have the authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information, as well as any tangible thing) and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for, or on behalf of, any component of the Office of the Director of National Intelligence or any element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of

any appropriate district court of the United States.

''(6) The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code.

''(7) The Inspector General may, to the extent and in such amounts as may be provided in appropriations, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

''(h) COORDINATION AMONG INSPECTORS GENERAL.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, audit, or review by both the Inspector General of the Intelligence Community and an inspector general with oversight responsibility for an element of the intelligence community, the Inspector General of the Intelligence Community and such other inspector general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, audit, or review to avoid unnecessary duplication of the activities of the inspectors general.

''(B) In attempting to resolve a question under subparagraph (A), the inspectors general concerned may request the assistance of the Intelligence Community Inspectors General Forum established under paragraph (2). In the event of a dispute between an inspector general within a department or agency of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of such Forum, the inspectors general shall submit the question to the Director of National Intelligence and the head of the affected department or agency for resolution.

''(2)(A) There is established the Intelligence Community Inspectors General Forum, which shall consist of all statutory or administrative inspectors general with oversight responsibility for an element of the intelligence community.

''(B) The Inspector General of the Intelligence Community shall serve as the Chair of the Forum established under subparagraph (A). The Forum shall have no administrative authority over any inspector general, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of contract personnel, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

''(3) The inspector general conducting an investigation, inspection, audit, or review covered by paragraph (1) shall submit the results of such investigation, inspection, audit, or review to any other inspector general, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, audit, or review who did not conduct such investigation, inspection, audit, or review.

''(i) COUNSEL TO THE INSPECTOR GENERAL.—(1) The Inspector General of the Intelligence Community shall—

''(A) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

''(B) obtain the services of a counsel appointed by and directly reporting to another inspector general or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

''(2) The counsel appointed or obtained under paragraph (1) shall perform such functions as the Inspector General may prescribe.

''(j) STAFF AND OTHER SUPPORT.—(1) The Director of National Intelligence shall provide the Inspector General of the Intelligence Community with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions, powers, and duties of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3) Consistent with budgetary and personnel resources allocated by the Director of National Intelligence, the Inspector General has final approval of—

''(A) the selection of internal and external candidates for employment with the Office of the Inspector General; and

''(B) all other personnel decisions concerning personnel permanently assigned to the Office of the Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of a component of the Office of the Director of National Intelligence.

''(4)(A) Subject to the concurrence of the Director of National Intelligence, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

''(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, such information or assistance.

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with that element's inspector general pursuant to subsection (h), conduct, as authorized by this section, an investigation, inspection, audit, or review of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(k) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

''(B) Each report under this paragraph shall include, at a minimum, the following:

''(i) A list of the title or subject of each investigation, inspection, audit, or review conducted during the period covered by such report.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration of programs and activities of the intelligence community within the responsibility and authority of the Director of National Intelligence, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for corrective action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

''(iv) A statement of whether or not corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

''(v) A certification of whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

''(vi) A description of the exercise of the subpoena authority under subsection (g)(5) by the Inspector General during the period covered by such report.

''(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and activities within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such programs and activities.

''(C) Not later than 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence.

''(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within 7 calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

''(3)(A) In the event that—

''(i) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

''(ii) an investigation, inspection, audit, or review carried out by the Inspector General focuses on any current or former intelligence community official who—

''(I) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(II) holds or held a position in an element of the intelligence community, including a position

held on an acting basis, that is appointed by the Director of National Intelligence; or

''(III) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(iii) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in clause (ii);

''(iv) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in clause (ii); or

''(v) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, audit, or review, the Inspector General shall immediately notify, and submit a report to, the congressional intelligence committees on such matter.

''(B) The Inspector General shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves an investigation, inspection, audit, or review carried out by the Inspector General focused on any current or former official of a component of such department simultaneously with submission of the report to the congressional intelligence committees.

''(4) The Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, audit, or review conducted by the office which has been requested by the Chairman or Vice Chairman or ranking minority member of either committee.

''(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-calendar-day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the congressional intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under this subparagraph does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity within the responsibility and authority of the Director of National Intelligence involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (g)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

''(H) Nothing in this section shall be construed to limit the protections afforded to an employee under section 17(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)) or section 8H of the Inspector General Act of 1978 (5 U.S.C. App.).

''(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall expeditiously report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(l) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (h), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or affect the duties and responsibilities of any other inspector general having duties and responsibilities relating to such element.

''(m) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of the Inspector General of the Intelligence Community.

''(n) BUDGET.—(1) For each fiscal year, the Inspector General of the Intelligence Community shall transmit a budget estimate and request to the Director of National Intelligence that specifies for such fiscal year—

''(A) the aggregate amount requested for the operations of the Inspector General;

''(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office of the Inspector General; and

''(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

''(2) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

''(A) the aggregate amount requested for the Inspector General of the Intelligence Community;

''(B) the amount requested for Inspector General training;

''(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

''(D) the comments of the Inspector General, if any, with respect to such proposed budget.

''(3) The Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives for each fiscal year—

''(A) a separate statement of the budget estimate transmitted pursuant to paragraph (1);

''(B) the amount requested by the Director for the Inspector General pursuant to paragraph (2)(A);

''(C) the amount requested by the Director for the training of personnel of the Office of the Inspector General pursuant to paragraph (2)(B);

''(D) the amount requested by the Director for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (2)(C); and

''(E) the comments of the Inspector General under paragraph (2)(D), if any, on the amounts requested pursuant to paragraph (2), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office of the Inspector General.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 347 of this Act, is further amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Inspector General of the Intelligence Community.''.

(b) PAY OF INSPECTOR GENERAL.—Subparagraph (A) of section 4(a)(3) of the Inspector General Reform Act of 2008 (Public Law 110–409; 5 U.S.C. App. note) is amended by inserting ''the Inspector General of the Intelligence Community,'' after ''basic pay of''.

(c) CONSTRUCTION.—Nothing in the amendment made by subsection (a)(1) shall be construed to alter the duties and responsibilities of the General Counsel of the Office of the Director of National Intelligence.

(d) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) shall be repealed on the date that the President appoints, with the advice and consent of the Senate, the first individual to serve as Inspector General for the Intelligence Community pursuant to section 103H of the National Security Act of 1947, as added by subsection (a), and such individual assumes the duties of the Inspector General.

SEC. 406. CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 405 of this Act, is further amended by inserting after section 103H, as added by section 405(a)(1), the following new section:

''CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY

''SEC. 103I. (a) CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.—To assist the Director of National Intelligence in carrying out the responsibilities of the Director under this Act and other applicable provisions of law, there is within the Office of the Director of National Intelligence a Chief Financial Officer of

the Intelligence Community who shall be appointed by the Director.

''(b) DUTIES AND RESPONSIBILITIES.—Subject to the direction of the Director of National Intelligence, the Chief Financial Officer of the Intelligence Community shall—

''(1) serve as the principal advisor to the Director of National Intelligence and the Principal Deputy Director of National Intelligence on the management and allocation of intelligence community budgetary resources;

''(2) participate in overseeing a comprehensive and integrated strategic process for resource management within the intelligence community;

''(3) ensure that the strategic plan of the Director of National Intelligence—

''(A) is based on budgetary constraints as specified in the Future Year Intelligence Plans and Long-term Budget Projections required under section 506G; and

''(B) contains specific goals and objectives to support a performance-based budget;

''(4) prior to the obligation or expenditure of funds for the acquisition of any major system pursuant to a Milestone A or Milestone B decision, receive verification from appropriate authorities that the national requirements for meeting the strategic plan of the Director have been established, and that such requirements are prioritized based on budgetary constraints as specified in the Future Year Intelligence Plans and the Long-term Budget Projections for such major system required under section 506G;

''(5) ensure that the collection architectures of the Director are based on budgetary constraints as specified in the Future Year Intelligence Plans and the Long-term Budget Projections required under section 506G;

''(6) coordinate or approve representations made to Congress by the intelligence community regarding National Intelligence Program budgetary resources;

''(7) participate in key mission requirements, acquisitions, or architectural boards formed within or by the Office of the Director of National Intelligence; and

''(8) perform such other duties as may be prescribed by the Director of National Intelligence.

''(c) OTHER LAW.—The Chief Financial Officer of the Intelligence Community shall serve as the Chief Financial Officer of the intelligence community and, to the extent applicable, shall have the duties, responsibilities, and authorities specified in chapter 9 of title 31, United States Code.

''(d) PROHIBITION ON SIMULTANEOUS SERVICE AS OTHER CHIEF FINANCIAL OFFICER.—An individual serving in the position of Chief Financial Officer of the Intelligence Community may not, while so serving, serve as the chief financial officer of any other department or agency, or component thereof, of the United States Government.

''(e) DEFINITIONS.—In this section:

''(1) The term 'major system' has the meaning given that term in section 506A(e).

''(2) The term 'Milestone A' has the meaning given that term in section 506G(f).

''(3) The term 'Milestone B' has the meaning given that term in section 506C(e).''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 405(a), is further amended by inserting after the item relating to section 103H, as added by section 405(a)(2), the following new item:

''Sec. 103I. Chief Financial Officer of the Intelligence Community.''.

SEC. 407. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking ''Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the'' and inserting ''(1) The''; and

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

''(2) The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

''(3) The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.''.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (14); and

(2) by inserting after paragraph (8) the following new paragraphs:

''(9) The Chief Information Officer of the Intelligence Community.

''(10) The Inspector General of the Intelligence Community.

''(11) The Director of the National Counterterrorism Center.

''(12) The Director of the National Counter Proliferation Center.

''(13) The Chief Financial Officer of the Intelligence Community.''.

SEC. 408. PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

''SEC. 706. (a) INAPPLICABILITY OF FOIA TO EXEMPTED OPERATIONAL FILES PROVIDED TO ODNI.—(1) Subject to paragraph (2), the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record shall not apply to a record provided to the Office of the Director of National Intelligence by an element of the intelligence community from the exempted operational files of such element.

''(2) Paragraph (1) shall not apply with respect to a record of the Office that—

''(A) contains information derived or disseminated from an exempted operational file, unless such record is created by the Office for the sole purpose of organizing such exempted operational file for use by the Office;

''(B) is disseminated by the Office to a person other than an officer, employee, or contractor of the Office; or

''(C) is no longer designated as an exempted operational file in accordance with this title.

''(b) EFFECT OF PROVIDING FILES TO ODNI.—Notwithstanding any other provision of this title, an exempted operational file that is provided to the Office by an element of the intelligence community shall not be subject to the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record solely because such element provides such exempted operational file to the Office.

''(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a) or (b), an exempted operational file shall continue to be subject to search and review for information concerning any of the following:

''(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

''(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

''(3) The specific subject matter of an investigation for any impropriety or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity by any of the following:

''(A) The Select Committee on Intelligence of the Senate.

''(B) The Permanent Select Committee on Intelligence of the House of Representatives.

''(C) The Intelligence Oversight Board.

''(D) The Department of Justice.

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

''(F) The Office of the Inspector General of the Intelligence Community.

''(d) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of National Intelligence shall review the exemptions in force under subsection (a) to determine whether such exemptions may be removed from any category of exempted files or any portion thereof.

''(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

''(3) A complainant that alleges that the Director of National Intelligence has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

''(A) Whether the Director has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010 or before the expiration of the 10-year period beginning on the date of the most recent review.

''(B) Whether the Director of National Intelligence, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

''(e) SUPERSEDURE OF OTHER LAWS.—The provisions of this section may not be superseded except by a provision of law that is enacted after the date of the enactment of this section and that specifically cites and repeals or modifies such provisions.

''(f) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Office has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

''(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

''(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by the Office, such information shall be examined ex parte, in camera by the court.

''(B) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

''(C)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Office may meet the burden of the Office under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted files likely to contain responsive records are records provided to the Office by an element of the intelligence community from the exempted operational files of such element.

''(ii) The court may not order the Office to review the content of any exempted file in order to make the demonstration required under clause (i), unless the complainant disputes the Office's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

''(D) In proceedings under subparagraph (C), a party may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36 of the Federal Rules of Civil Procedure.

''(E) If the court finds under this subsection that the Office has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Office to search and review each appropriate exempted file for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and such order shall be the exclusive remedy for failure to comply with this section.

''(F) If at any time following the filing of a complaint pursuant to this paragraph the Office agrees to search each appropriate exempted file for the requested records, the court shall dismiss the claim based upon such complaint.

''(g) DEFINITIONS.—In this section:

''(1) The term 'exempted operational file' means a file of an element of the intelligence community that, in accordance with this title, is exempted from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of such file.

''(2) Except as otherwise specifically provided, the term 'Office' means the Office of the Director of National Intelligence.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 406(b) of this Act, is further amended by inserting after the item relating to section 705 the following new item:

''Sec. 706. Protection of certain files of the Office of the Director of National Intelligence.''.

SEC. 409. COUNTERINTELLIGENCE INITIATIVES FOR THE INTELLIGENCE COMMUNITY.

Section 1102 of the National Security Act of 1947 (50 U.S.C. 442a) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2); and

(B) by striking ''(1) In'' and inserting ''In''; and

(2) in subsection (c)—

(A) by striking paragraph (2); and

(B) by striking ''(1) The'' and inserting ''The''.

SEC. 410. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or'';

(2) in paragraph (2), by striking the period and inserting ''; or''; and

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

''(3) the Office of the Director of National Intelligence, if the Director of National Intelligence determines that for reasons of national security such advisory committee cannot comply with the requirements of this Act.''.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—The Director of National Intelligence and the Director of the Central Intelligence Agency shall each submit to the congressional intelligence committees an annual report on advisory committees created by each such Director. Each report shall include—

(A) a description of each such advisory committee, including the subject matter of the committee; and

(B) a list of members of each such advisory committee.

(2) REPORT ON REASONS FOR ODNI EXCLUSION OF ADVISORY COMMITTEE FROM FACA.—Each report submitted by the Director of National Intelligence in accordance with paragraph (1) shall include the reasons for a determination by the Director under section 4(b)(3) of the Federal Advisory Committee Act (5 U.S.C. App.), as added by subsection (a) of this section, that an advisory committee cannot comply with the requirements of such Act.

SEC. 411. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 412. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j);

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—Such section 904 is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 413. MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL.

(a) PROHIBITION.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

''MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL

''SEC. 1103. (a) PROHIBITED ACTS.—No person may, except with the written permission of the Director of National Intelligence, or a designee of the Director, knowingly use the words 'Office of the Director of National Intelligence', the initials 'ODNI', the seal of the Office of the Director of National Intelligence, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence.

''(b) INJUNCTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 408 of this Act, is further amended by inserting after the item relating to section 1102 the following new item:

''Sec. 1103. Misuse of the Office of the Director of National Intelligence name, initials, or seal.''.

SEC. 414. PLAN TO IMPLEMENT RECOMMENDATIONS OF THE DATA CENTER ENERGY EFFICIENCY REPORTS.

(a) PLAN.—The Director of National Intelligence shall develop a plan to implement the recommendations of the report submitted to Congress under section 1 of the Act entitled ''An Act to study and promote the use of energy efficient computer servers in the United States'' (Public Law 109–431; 120 Stat. 2920) across the intelligence community.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the plan developed under subsection (a).

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 415. DIRECTOR OF NATIONAL INTELLIGENCE SUPPORT FOR REVIEWS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND EXPORT ADMINISTRATION REGULATIONS.

The Director of National Intelligence may provide support for any review conducted by a department or agency of the United States Government of the International Traffic in Arms Regulations or Export Administration Regulations, including a review of technologies and goods on the United States Munitions List and Commerce Control List that may warrant controls that are different or additional to the controls such technologies and goods are subject to at the time of such review.

Subtitle B—Central Intelligence Agency

SEC. 421. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by striking ''and the protection'' and inserting ''the protection''; and

(2) by inserting before the semicolon the following: '', and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate''.

SEC. 422. APPEALS FROM DECISIONS INVOLVING CONTRACTS OF THE CENTRAL INTELLIGENCE AGENCY.

Section 8(d) of the Contract Disputes Act of 1978 (41 U.S.C. 607(d)) is amended by adding at the end ''Notwithstanding any other provision of this section and any other provision of law, an appeal from a decision of a contracting officer of the Central Intelligence Agency relative to a contract made by that Agency may be filed with whichever of the Armed Services Board of Contract Appeals or the Civilian Board of Contract Appeals is specified by such contracting officer as the Board to which such an appeal may be made and such Board shall have jurisdiction to decide that appeal.''.

SEC. 423. DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT AND DUTIES OF DEPUTY DIRECTOR OF THE CIA.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 406 of this Act, is further amended by inserting after section 104A the following new section:

''DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 104B. (a) DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President.

''(b) DUTIES.—The Deputy Director of the Central Intelligence Agency shall—

''(1) assist the Director of the Central Intelligence Agency in carrying out the duties and

responsibilities of the Director of the Central Intelligence Agency; and

''(2) during the absence or disability of the Director of the Central Intelligence Agency, or during a vacancy in the position of Director of the Central Intelligence Agency, act for and exercise the powers of the Director of the Central Intelligence Agency.''.

(b) CONFORMING AMENDMENTS.—

(1) EXECUTIVE SCHEDULE III.—Section 5314 of title 5, United States Code, is amended by striking ''Deputy Directors of Central Intelligence (2)'' and inserting ''Deputy Director of the Central Intelligence Agency''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 414 of this Act, is further amended by inserting after the item relating to section 104A the following new item:

''Sec. 104B. Deputy Director of the Central Intelligence Agency.''.

(c) APPLICABILITY.—The amendments made by this section shall apply on the earlier of—

(1) the date of the appointment by the President of an individual to serve as Deputy Director of the Central Intelligence Agency pursuant to section 104B of the National Security Act of 1947, as added by subsection (a), except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties until the individual appointed to the position of Deputy Director of the Central Intelligence Agency assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of the Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 424. AUTHORITY TO AUTHORIZE TRAVEL ON A COMMON CARRIER.

Subsection (b) of section 116 of the National Security Act of 1947 (50 U.S.C. 404k) is amended by striking the period at the end and inserting '', who may delegate such authority to other appropriate officials of the Central Intelligence Agency.''.

SEC. 425. INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

(a) APPOINTMENT AND QUALIFICATIONS OF THE INSPECTOR GENERAL.—Paragraph (1) of section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(b)) is amended by striking the second and third sentences and inserting ''This appointment shall be made without regard to political affiliation and shall be on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. Such appointment shall also be made on the basis of compliance with the security standards of the Agency and prior experience in the field of foreign intelligence.''.

(b) REMOVAL OF THE INSPECTOR GENERAL.—Paragraph (6) of section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(b)) is amended—

(1) by striking ''immediately''; and

(2) by striking the period at the end and inserting ''not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

(c) APPLICATION OF SEMIANNUAL REPORTING REQUIREMENTS WITH RESPECT TO REVIEW REPORTS.—Paragraph (1) of section 17(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)) is amended in the matter preceding subparagraph (A) by inserting ''review,'' after ''investigation,''.

(d) PROTECTION AGAINST REPRISALS.—Subparagraph (B) of section 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)) is amended by inserting ''or providing such information'' after ''making such complaint''.

(e) INSPECTOR GENERAL SUBPOENA POWER.—Subparagraph (A) of section 17(e)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(5)) is amended by inserting ''in any medium (including electronically stored information or any tangible thing)'' after ''other data''.

(f) OTHER ADMINISTRATIVE AUTHORITIES.—

(1) IN GENERAL.—Subsection (e) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q), as amended by subsections (d) and (e) of this section, is further amended—

(A) by redesignating paragraph (8) as subparagraph (9);

(B) in paragraph (9), as so redesignated—

(i) by striking ''Subject to the concurrence of the Director, the'' and inserting ''The''; and

(ii) by adding at the end the following: ''Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

''(A) the selection of internal and external candidates for employment with the Office of Inspector General; and

''(B) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.''; and

(C) by inserting after paragraph (7) the following new paragraph:

''(8)(A) The Inspector General shall—

''(i) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

''(ii) obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

''(B) The counsel appointed or obtained under subparagraph (A) shall perform such functions as the Inspector General may prescribe.''.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1)(C) shall be construed to alter the duties and responsibilities of the General Counsel of the Central Intelligence Agency.

SEC. 426. BUDGET OF THE INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

Subsection (f) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by inserting ''(1)'' before ''Beginning''; and

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

''(2) For each fiscal year, the Inspector General shall transmit a budget estimate and request through the Director to the Director of National Intelligence that specifies for such fiscal year—

''(A) the aggregate amount requested for the operations of the Inspector General;

''(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office; and

''(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

''(3) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

''(A) the aggregate amount requested for the Inspector General of the Central Intelligence Agency;

''(B) the amount requested for Inspector General training;

''(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

''(D) the comments of the Inspector General, if any, with respect to such proposed budget.

''(4) The Director of National Intelligence shall submit to the Committee on Appropriations and the Select Committee on Intelligence of the Senate and the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives for each fiscal year—

''(A) a separate statement of the budget estimate transmitted pursuant to paragraph (2);

''(B) the amount requested by the Director of National Intelligence for the Inspector General pursuant to paragraph (3)(A);

''(C) the amount requested by the Director of National Intelligence for training of personnel of the Office of the Inspector General pursuant to paragraph (3)(B);

''(D) the amount requested by the Director of National Intelligence for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (3)(C); and

''(E) the comments of the Inspector General under paragraph (3)(D), if any, on the amounts requested pursuant to paragraph (3), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office.''.

SEC. 427. PUBLIC AVAILABILITY OF UNCLASSIFIED VERSIONS OF CERTAIN INTELLIGENCE PRODUCTS.

The Director of the Central Intelligence Agency shall make publicly available an unclassified version of any memoranda or finished intelligence products assessing the—

(1) information gained from high-value detainee reporting; and

(2) dated April 3, 2003, July 15, 2004, March 2, 2005, and June 1, 2005.

Subtitle C—Defense Intelligence Components

SEC. 431. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting ''the Defense Intelligence Agency,'' after ''the Corporation for Public Broadcasting,'';

(2) by inserting ''the National Geospatial-Intelligence Agency,'' after ''the National Endowment for the Humanities,''; and

(3) by inserting ''the National Reconnaissance Office, the National Security Agency,'' after ''the National Labor Relations Board,''.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new paragraph:

''(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.''.

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of such Act (5 U.S.C. App.) is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking ''The head'' and inserting ''Except as provided in paragraph (2), the head''; and

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

''(2)(A) The Secretary of Defense, in consultation with the Director of National Intelligence, may prohibit the inspector general of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Secretary determines that the prohibition is necessary to protect vital national security interests of the United States.

''(B) If the Secretary exercises the authority under subparagraph (A), the Secretary shall

submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of such authority not later than 7 days after the exercise of such authority.

''(C) At the same time the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Secretary shall notify the inspector general of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide such inspector general with a copy of such statement. Such inspector general may submit to such committees of Congress any comments on a notice or statement received by the inspector general under this subparagraph that the inspector general considers appropriate.

''(D) The elements of the intelligence community specified in this subparagraph are as follows:

''(i) The Defense Intelligence Agency.

''(ii) The National Geospatial-Intelligence Agency.

''(iii) The National Reconnaissance Office.

''(iv) The National Security Agency.

''(E) The committees of Congress specified in this subparagraph are—

''(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

''(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SEC. 432. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

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

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

''(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, and presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information, into the National System for Geospatial Intelligence.

''(B) The authority provided by this paragraph does not include authority for the National Geospatial-Intelligence Agency to manage tasking of handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.''; and

(3) in paragraph (3), as so redesignated, by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''.

SEC. 433. DIRECTOR OF COMPLIANCE OF THE NATIONAL SECURITY AGENCY.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. There is a Director of Compliance of the National Security Agency, who shall be appointed by the Director of the National Security Agency and who shall be responsible for the programs of compliance over mission activities of the National Security Agency.''.

Subtitle D—Other Elements

SEC. 441. CODIFICATION OF ADDITIONAL ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and

(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.

SEC. 442. AUTHORIZATION OF APPROPRIATIONS FOR COAST GUARD NATIONAL TACTICAL INTEGRATION OFFICE.

Title 14, United States Code, is amended—

(1) in paragraph (4) of section 93(a), by striking ''function'' and inserting ''function, including research, development, test, or evaluation related to intelligence systems and capabilities,''; and

(2) in paragraph (4) of section 662, by inserting ''intelligence systems and capabilities or'' after ''related to''.

SEC. 443. RETENTION AND RELOCATION BONUSES FOR THE FEDERAL BUREAU OF INVESTIGATION.

Section 5759 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by striking ''is transferred to a different geographic area with a higher cost of living'' and inserting ''is subject to a mobility agreement and is transferred to a position in a different geographical area in which there is a shortage of critical skills'';

(2) in subsection (b)(2), by striking the period at the end and inserting '', including requirements for a bonus recipient's repayment of a bonus in circumstances determined by the Director of the Federal Bureau of Investigation.'';

(3) in subsection (c), by striking ''basic pay.'' and inserting ''annual rate of basic pay. The bonus may be paid in a lump sum or installments linked to completion of periods of service.''; and

(4) in subsection (d), by striking ''retention bonus'' and inserting ''bonus paid under this section''.

SEC. 444. EXTENSION OF THE AUTHORITY OF THE FEDERAL BUREAU OF INVESTIGATION TO WAIVE MANDATORY RETIREMENT PROVISIONS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Subsection (b) of section 8335 of title 5, United States Code, is amended—

(1) in the paragraph (2) enacted by section 112(a)(2) of the Department of Justice Appropriations Act, 2005 (title I of division B of Public Law 108–447; 118 Stat. 2868), by striking ''2009'' and inserting ''2011''; and

(2) by striking the paragraph (2) enacted by section 2005(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3704).

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Subsection (b) of section 8425 of title 5, United States Code, is amended—

(1) in the paragraph (2) enacted by section 112(b)(2) of the Department of Justice Appropriations Act, 2005 (title I of division B of Public Law 108–447; 118 Stat. 2868), by striking ''2009'' and inserting ''2011''; and

(2) by striking the paragraph (2) enacted by section 2005(b)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3704).

SEC. 445. REPORT AND ASSESSMENTS ON TRANSFORMATION OF THE INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in consultation with the Director of National Intelligence, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report describing—

(A) a long-term vision for the intelligence capabilities of the National Security Branch of the Bureau;

(B) a strategic plan for the National Security Branch; and

(C) the progress made in advancing the capabilities of the National Security Branch.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a description of the direction, strategy, and goals for improving the intelligence capabilities of the National Security Branch;

(B) a description of the intelligence and national security capabilities of the National Security Branch that will be fully functional within the five-year period beginning on the date on which the report is submitted;

(C) a description—

(i) of the internal reforms that were carried out at the National Security Branch during the two-year period ending on the date on which the report is submitted; and

(ii) of the manner in which such reforms have advanced the capabilities of the National Security Branch;

(D) an assessment of the effectiveness of the National Security Branch in performing tasks that are critical to the effective functioning of the National Security Branch as an intelligence agency, including—

(i) human intelligence collection, both within and outside the parameters of an existing case file or ongoing investigation, in a manner that protects civil liberties;

(ii) intelligence analysis, including the ability of the National Security Branch to produce, and provide policymakers with, information on national security threats to the United States;

(iii) management, including the ability of the National Security Branch to manage and develop human capital and implement an organizational structure that supports the objectives and strategies of the Branch;

(iv) integration of the National Security Branch into the intelligence community, including an ability to robustly share intelligence and effectively communicate and operate with appropriate Federal, State, local, and tribal partners;

(v) implementation of an infrastructure that supports the national security and intelligence missions of the National Security Branch, including proper information technology and facilities; and

(vi) reformation of the culture of the National Security Branch, including the integration by the Branch of intelligence analysts and other professional staff into intelligence collection operations and the success of the National Security Branch in ensuring that intelligence and threat information drive the operations of the Branch;

(E) performance metrics and specific annual timetables for advancing the performance of the tasks referred to in clauses (i) through (vi) of subparagraph (D) and a description of the activities being undertaken to ensure that the performance of the National Security Branch in carrying out such tasks improves; and

(F) an assessment of the effectiveness of the field office supervisory term limit policy of the Federal Bureau of Investigation that requires the mandatory reassignment of a supervisor of the Bureau after a specific term of years.

(b) ANNUAL ASSESSMENTS.—

(1) REQUIREMENT FOR ASSESSMENTS.—Not later than 180 days after the date on which the report required by subsection (a)(1) is submitted, and annually thereafter for five years, the Director of National Intelligence, in consultation with the Director of the Federal Bureau of Investigation, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives an assessment of the performance of the National Security Branch in carrying out the tasks referred to in clauses (i) through (vi) of subsection (a)(2)(D) in comparison to such performance during previous years.

(2) CONSIDERATIONS.—In conducting each assessment required by paragraph (1), the Director of National Intelligence—

(A) shall use the performance metrics and specific annual timetables for carrying out such tasks referred to in subsection (a)(2)(E); and

(B) may request the assistance of any expert that the Director considers appropriate, including an inspector general of an appropriate department or agency.

TITLE V—REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

SEC. 501. REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.—

(1) IN GENERAL.—Subtitle B of title III of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106–567; 22 U.S.C. 7301 et seq.) is amended by striking sections 321, 322, 323, and 324, and inserting the following new sections:

''SEC. 321. DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

''(a) REORGANIZATION.—The Diplomatic Telecommunications Service Program Office established pursuant to title V of Public Law 102–140 shall be reorganized in accordance with this subtitle.

''(b) DUTIES.—The duties of the DTS–PO include implementing a program for the establishment and maintenance of a DTS Network capable of providing multiple levels of service to meet the wide-ranging needs of all United States Government departments and agencies operating from diplomatic and consular facilities outside of the United States, including national security needs for secure, reliable, and robust communications capabilities.

''SEC. 322. ESTABLISHMENT OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE GOVERNANCE BOARD.

''(a) GOVERNANCE BOARD.—

''(1) ESTABLISHMENT.—There is established the Diplomatic Telecommunications Service Governance Board to direct and oversee the activities and performance of the DTS–PO.

''(2) EXECUTIVE AGENT.—

''(A) DESIGNATION.—The Director of the Office of Management and Budget shall designate, from among the departments and agencies of the United States Government that use the DTS Network, a department or agency as the DTS–PO Executive Agent.

''(B) DUTIES.—The Executive Agent designated under subparagraph (A) shall—

''(i) nominate a Director of the DTS–PO for approval by the Governance Board in accordance with subsection (e); and

''(ii) perform such other duties as established by the Governance Board in the determination of written implementing arrangements and other relevant and appropriate governance processes and procedures under paragraph (3).

''(3) REQUIREMENT FOR IMPLEMENTING ARRANGEMENTS.—Subject to the requirements of this subtitle, the Governance Board shall determine the written implementing arrangements and other relevant and appropriate governance processes and procedures to manage, oversee, resource, or otherwise administer the DTS–PO.

''(b) MEMBERSHIP.—

''(1) SELECTION.—The Director of the Office of Management and Budget shall designate from among the departments and agencies that use the DTS Network—

''(A) four departments and agencies to each appoint one voting member of the Governance Board from the personnel of such departments and agencies; and

''(B) any other departments and agencies that the Director considers appropriate to each appoint one nonvoting member of the Governance Board from the personnel of such departments and agencies.

''(2) VOTING AND NONVOTING MEMBERS.—The Governance Board shall consist of voting members and nonvoting members as follows:

''(A) VOTING MEMBERS.—The voting members shall consist of a Chair, who shall be designated by the Director of the Office of Management and Budget, and the four members appointed by departments and agencies designated under paragraph (1)(A).

''(B) NONVOTING MEMBERS.—The nonvoting members shall consist of the members appointed by departments and agencies designated under paragraph (1)(B) and shall act in an advisory capacity.

''(c) CHAIR DUTIES AND AUTHORITIES.—The Chair of the Governance Board shall—

''(1) preside over all meetings and deliberations of the Governance Board;

''(2) provide the Secretariat functions of the Governance Board; and

''(3) propose bylaws governing the operation of the Governance Board.

''(d) QUORUM, DECISIONS, MEETINGS.—A quorum of the Governance Board shall consist of the presence of the Chair and four voting members. The decisions of the Governance Board shall require a majority of the voting membership. The Chair shall convene a meeting of the Governance Board not less than four times each year to carry out the functions of the Governance Board. The Chair or any voting member may convene a meeting of the Governance Board.

''(e) GOVERNANCE BOARD DUTIES.—The Governance Board shall have the following duties with respect to the DTS–PO:

''(1) To approve and monitor the plans, services, priorities, policies, and pricing methodology of the DTS–PO for bandwidth costs and projects carried out at the request of a department or agency that uses the DTS Network.

''(2) To provide to the DTS–PO Executive Agent the recommendation of the Governance Board with respect to the approval, disapproval, or modification of each annual budget request for the DTS–PO, prior to the submission of any such request by the Executive Agent.

''(3) To review the performance of the DTS–PO against plans approved under paragraph (1) and the management activities and internal controls of the DTS–PO.

''(4) To require from the DTS–PO any plans, reports, documents, and records the Governance Board considers necessary to perform its oversight responsibilities.

''(5) To conduct and evaluate independent audits of the DTS–PO.

''(6) To approve or disapprove the nomination of the Director of the DTS–PO by the Executive Agent with a majority vote of the Governance Board.

''(7) To recommend to the Executive Agent the replacement of the Director of the DTS–PO with a majority vote of the Governance Board.

''(f) NATIONAL SECURITY INTERESTS.—The Governance Board shall ensure that those enhancements of, and the provision of service for, telecommunication capabilities that involve the national security interests of the United States receive the highest prioritization.

''SEC. 323. FUNDING OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the operations, maintenance, development, enhancement, modernization, and investment costs of the DTS Network and the DTS–PO. Funds appropriated for allocation to the DTS–PO shall remain available to the DTS–PO for a period of two fiscal years.

''(b) FEES.—The DTS–PO shall charge a department or agency that uses the DTS Network for only those bandwidth costs attributable to such department or agency and for specific projects carried out at the request of such department or agency, pursuant to the pricing methodology for such bandwidth costs and such projects approved under section 322(e)(1), for which amounts have not been appropriated for allocation to the DTS–PO. The DTS–PO is authorized to directly receive payments from departments or agencies that use the DTS Network and to invoice such departments or agencies for the fees under this section either in advance of, or upon or after, providing the bandwidth or performing such projects. Such funds received from such departments or agencies shall remain available to the DTS–PO for a period of two fiscal years.

''SEC. 324. DEFINITIONS.

''In this subtitle:

''(1) DTS NETWORK.—The term 'DTS Network' means the worldwide telecommunications network supporting all United States Government agencies and departments operating from diplomatic and consular facilities outside of the United States.

''(2) DTS–PO.—The term 'DTS–PO' means the Diplomatic Telecommunications Service Program Office.

''(3) GOVERNANCE BOARD.—The term 'Governance Board' means the Diplomatic Telecommunications Service Governance Board established under section 322(a)(1).''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106–567; 114 Stat. 2831) is amended by striking the items relating to sections 321, 322, 323, and 324 and inserting the following new items:

''Sec. 321. Diplomatic Telecommunications Service Program Office.
''Sec. 322. Establishment of the Diplomatic Telecommunications Service Governance Board.
''Sec. 323. Funding of the Diplomatic Telecommunications Service.
''Sec. 324. Definitions.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUSPENSION OF REORGANIZATION.—

(A) REPEAL.—The Intelligence Authorization Act for Fiscal Year 2002 (Public Law 107–108; 22 U.S.C. 7301 note) is amended by striking section 311.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 311.

(2) REPEAL OF REFORM.—

(A) REPEAL.—The Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–405) is amended by striking section 305.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the item related to section 305.

(3) REPEAL OF REPORTING REQUIREMENTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)), as amended by section 351 of this Act, is further amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

TITLE VI—FOREIGN INTELLIGENCE AND INFORMATION COMMISSION ACT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Foreign Intelligence and Information Commission Act''.

SEC. 602. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Foreign Intelligence and Information Commission established in section 603(a).

(2) FOREIGN INTELLIGENCE; INTELLIGENCE.—The terms ''foreign intelligence'' and ''intelligence'' have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(3) INFORMATION.—The term ''information'' includes information of relevance to the foreign policy of the United States collected and conveyed through diplomatic reporting and other reporting by personnel of the United States Government who are not employed by an element of

the intelligence community, including public and open-source information.

SEC. 603. ESTABLISHMENT AND FUNCTIONS OF THE COMMISSION.

(a) ESTABLISHMENT.—There is established in the legislative branch a Foreign Intelligence and Information Commission.

(b) PURPOSE.—The purpose of the Commission is to evaluate systems and processes at the strategic, interagency level and provide recommendations accordingly, and not to seek to duplicate the functions of the Director of National Intelligence.

(c) FUNCTIONS.—The Commission shall—

(1) evaluate the current processes or systems for the strategic integration of the intelligence community, including the Open Source Center, and other elements of the United States Government, including the Department of State, with regard to the collection, reporting, and analysis of foreign intelligence and information;

(2) provide recommendations to improve or develop such processes or systems to integrate the intelligence community with other elements of the United States Government, potentially including the development of an interagency strategy that identifies—

(A) the collection, reporting, and analysis requirements of the United States Government;

(B) the elements of the United States Government best positioned to meet collection and reporting requirements, with regard to missions, comparative institutional advantages, and any other relevant factors; and

(C) interagency budget and resource allocations necessary to achieve such collection, reporting, and analytical requirements;

(3) evaluate the extent to which current intelligence collection, reporting, and analysis strategies are intended to provide global coverage and anticipate future threats, challenges, and crises;

(4) provide recommendations on how to incorporate into the interagency strategy the means to anticipate future threats, challenges, and crises, including by identifying and supporting collection, reporting, and analytical capabilities that are global in scope and directed at emerging, long-term, and strategic targets;

(5) provide recommendations on strategies for sustaining human and budgetary resources to effect the global collection and reporting missions identified in the interagency strategy, including the prepositioning of collection and reporting capabilities;

(6) provide recommendations for developing, clarifying, and, if necessary, bolstering current and future collection and reporting roles and capabilities of elements of the United States Government that are not elements of the intelligence community deployed in foreign countries;

(7) provide recommendations related to the role of individual country missions in contributing to the interagency strategy;

(8) evaluate the extent to which the establishment of new embassies and out-of-embassy posts are able to contribute to expanded global coverage and increased collection and reporting and provide recommendations related to the establishment of new embassies and out-of-embassy posts;

(9) provide recommendations on executive or legislative changes necessary to establish any new executive branch entity or to expand the authorities of any existing executive branch entity, as needed to improve the strategic integration referred to in paragraph (1) and develop and oversee the implementation of any interagency strategy;

(10) provide recommendations on processes for developing and presenting to Congress budget requests for each relevant element of the United States Government that reflect the allocations identified in the interagency strategy and for congressional oversight of the development and implementation of the strategy; and

(11) provide recommendations on any institutional reforms related to the collection and reporting roles of individual elements of the United States Government outside the intelligence community, as well as any budgetary, legislative, or other changes needed to achieve such reforms.

SEC. 604. MEMBERS AND STAFF OF THE COMMISSION.

(a) MEMBERS OF THE COMMISSION.—

(1) APPOINTMENT.—The Commission shall be composed of 10 members as follows:

(A) Two members appointed by the majority leader of the Senate.

(B) Two members appointed by the minority leader of the Senate.

(C) Two members appointed by the Speaker of the House of Representatives.

(D) Two members appointed by the minority leader of the House of Representatives.

(E) One nonvoting member appointed by the Director of National Intelligence.

(F) One nonvoting member appointed by the Secretary of State.

(2) SELECTION.—

(A) IN GENERAL.—Members of the Commission shall be individuals who—

(i) are not officers or employees of the United States Government or any State or local government; and

(ii) have knowledge and experience—

(I) in foreign information and intelligence collection, reporting, and analysis, including clandestine collection and classified analysis (such as experience in the intelligence community), diplomatic reporting and analysis, and collection of public and open-source information;

(II) in issues related to the national security and foreign policy of the United States gained by serving as a senior official of the Department of State, a member of the Foreign Service, an employee or officer of an appropriate department or agency of the United States, or an independent organization with expertise in the field of international affairs; or

(III) with foreign policy decision-making.

(B) DIVERSITY OF EXPERIENCE.—The individuals appointed to the Commission should be selected with a view to establishing diversity of experience with regard to various geographic regions, functions, and issues.

(3) CONSULTATION.—The Speaker and the minority leader of the House of Representatives, the majority leader and the minority leader of the Senate, the Director of National Intelligence, and the Secretary of State shall consult among themselves prior to the appointment of the members of the Commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be considered by the Commission in accordance with this title.

(4) TIME OF APPOINTMENT.—The appointments under subsection (a) shall be made—

(A) after the date on which funds are first appropriated for the Commission pursuant to section 609; and

(B) not later than 60 days after such date.

(5) TERM OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

(6) VACANCIES.—Any vacancy of the Commission shall not affect the powers of the Commission and shall be filled in the manner in which the original appointment was made.

(7) CHAIR.—The voting members of the Commission shall designate one of the voting members to serve as the chair of the Commission.

(8) QUORUM.—Five voting members of the Commission shall constitute a quorum for purposes of transacting the business of the Commission.

(9) MEETINGS.—The Commission shall meet at the call of the chair and shall meet regularly, not less than once every 3 months, during the life of the Commission.

(b) STAFF.—

(1) IN GENERAL.—The chair of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of that title relating to classification of positions and General Schedule pay rates, appoint and terminate an executive director and, in consultation with the executive director, appoint and terminate such other additional personnel as may be necessary to enable the Commission to perform its duties. In addition to the executive director and one full-time support staff for the executive director, there shall be additional staff with relevant intelligence and foreign policy experience to support the work of the Commission.

(2) SELECTION OF THE EXECUTIVE DIRECTOR.—The executive director shall be selected with the approval of a majority of the voting members of the Commission.

(3) COMPENSATION.—

(A) EXECUTIVE DIRECTOR.—The executive director shall be compensated at the maximum annual rate payable for an employee of a standing committee of the Senate under section 105(e) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(e)), as adjusted by any order of the President pro tempore of the Senate.

(B) STAFF.—The chair of the Commission may fix the compensation of other personnel of the Commission without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the maximum annual rate payable for an employee of a standing committee of the Senate under section 105(e) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(e)), as adjusted by any order of the President pro tempore of the Senate.

(c) EXPERTS AND CONSULTANTS.—The Commission is authorized to procure temporary or intermittent services of experts and consultants as necessary to the extent authorized by section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable under section 5376 of such title.

(d) STAFF AND SERVICES OF OTHER AGENCIES OR DEPARTMENTS OF THE UNITED STATES.—Upon the request of the Commission, the head of a department or agency of the United States may detail, on a reimbursable or nonreimbursable basis, any of the personnel of that department or agency to the Commission to assist the Commission in carrying out this title. The detail of any such personnel shall be without interruption or loss of civil service or Foreign Service status or privilege.

(e) SECURITY CLEARANCE.—The appropriate departments or agencies of the United States shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(f) REPORTS UNDER ETHICS IN GOVERNMENT ACT OF 1978.—Notwithstanding any other provision of law, for purposes of title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), each member and staff of the Commission—

(1) shall be deemed to be an officer or employee of the Congress (as defined in section 109(13) of such title); and

(2) shall file any report required to be filed by such member or such staff (including by virtue of the application of paragraph (1)) under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) with the Secretary of the Senate.

SEC. 605. POWERS AND DUTIES OF THE COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any department or agency of the United States such information as the Commission considers necessary to carry out this title. Upon request of

the chair of the Commission, the head of such department or agency shall furnish such information to the Commission, subject to applicable law.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as a department or agency of the United States.

(d) ADMINISTRATIVE SUPPORT.—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a nonreimbursable basis) such administrative support services as the Commission may request to carry out this title.

(e) ADMINISTRATIVE PROCEDURES.—The Commission may adopt such rules and regulations, relating to administrative procedure, as may be reasonably necessary to enable the Commission to carry out this title.

(f) TRAVEL.—

(1) IN GENERAL.—The members and staff of the Commission may, with the approval of the Commission, conduct such travel as is necessary to carry out this title.

(2) EXPENSES.—Members of the Commission shall serve without pay but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(g) GIFTS.—No member or staff of the Commission may receive a gift or benefit by reason of the service of such member or staff to the Commission.

SEC. 606. REPORT OF THE COMMISSION.

(a) IN GENERAL.—

(1) INTERIM REPORT.—Not later than 300 days after the date on which all members of the Commission are appointed under section 604(a), the Commission shall submit to the congressional intelligence committees an interim report setting forth the preliminary evaluations and recommendations of the Commission described in section 603(c).

(2) FINAL REPORT.—Not later than 60 days after the date of the submission of the report required by paragraph (1), the Commission shall submit a final report setting forth the final evaluations and recommendations of the Commission described in section 603(c) to each of the following:

(A) The President.

(B) The Director of National Intelligence.

(C) The Secretary of State.

(D) The congressional intelligence committees.

(E) The Committee on Foreign Relations of the Senate.

(F) The Committee on Foreign Affairs of the House of Representatives.

(b) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include that member's individual or dissenting views in a report required by paragraph (1) or (2) of subsection (a).

(c) FORM OF REPORT.—The reports required by paragraphs (1) and (2) of subsection (a), including any finding or recommendation of such report, shall be submitted in unclassified form, but may include a classified annex.

SEC. 607. TERMINATION.

(a) IN GENERAL.—The Commission shall terminate on the date that is 60 days after the date of the submission of the report required by section 606(a)(2).

(b) TRANSFER OF RECORDS.—Upon the termination of the Commission under subsection (a), all records, files, documents, and other materials in the possession, custody, or control of the Commission shall be transferred to the Select Committee on Intelligence of the Senate and deemed to be records of such Committee.

SEC. 608. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to carry out this title.

(b) AVAILABILITY.—Amounts made available to the Commission pursuant to subsection (a) shall remain available until expended.

TITLE VII—OTHER MATTERS

SEC. 701. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) EXTENSION.—

(1) IN GENERAL.—Effective on the date on which funds are first appropriated pursuant to subsection (b)(1) and subject to paragraph (3), subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 401 note) is amended by striking ''September 1, 2004,'' and inserting ''one year after the date on which all members of the Commission are appointed pursuant to section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010,''.

(2) APPLICABILITY OF AMENDMENT.—The amendment made by paragraph (1) shall take effect as if included in the enactment of such section 1007.

(3) COMMISSION MEMBERSHIP.—The membership of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under subsection (a) of section 1002 of such Act (Public Law 107–306; 50 U.S.C. 401 note) (referred to in this section as the ''Commission'') shall be considered vacant and new members shall be appointed in accordance with such section 1002, as amended by this section.

(4) CLARIFICATION OF DUTIES.—Section 1002(i) of such Act is amended in the matter preceding paragraph (1) by striking ''including—'' and inserting ''including advanced research and development programs and activities. Such review shall include—''.

(b) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

(2) AVAILABILITY.—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until expended.

(3) REPEAL OF EXISTING FUNDING AUTHORITY.—Section 1010 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 401 note) is repealed.

(c) TECHNICAL AMENDMENTS.—

(1) DIRECTOR OF CENTRAL INTELLIGENCE.—The Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306) is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of National Intelligence'' in the following provisions:

(A) Section 1002(h)(2).

(B) Section 1003(d)(1).

(C) Section 1006(a)(1).

(D) Section 1006(b).

(E) Section 1007(a).

(F) Section 1008.

(2) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT.—Paragraph (1) of section 1002(b) of such Act is amended by striking ''The Deputy Director of Central Intelligence for Community Management.'' and inserting ''The Principal Deputy Director of National Intelligence.''.

SEC. 702. CLASSIFICATION REVIEW OF EXECUTIVE BRANCH MATERIALS IN THE POSSESSION OF THE CONGRESSIONAL INTELLIGENCE COMMITTEES.

The Director of National Intelligence is authorized to conduct, at the request of one of the congressional intelligence committees and in accordance with procedures established by that committee, a classification review of materials in the possession of that committee that—

(1) are not less than 25 years old; and

(2) were created, or provided to that committee, by an entity in the executive branch.

TITLE VIII—TECHNICAL AMENDMENTS

SEC. 801. TECHNICAL AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 101—

(A) in subsection (a), by moving paragraph (7) two ems to the right; and

(B) by moving subsections (b) through (p) two ems to the right;

(2) in section 103, by redesignating subsection (i) as subsection (h);

(3) in section 109(a)—

(A) in paragraph (1), by striking ''section 112.;'' and inserting ''section 112;''; and

(B) in paragraph (2), by striking the second period;

(4) in section 301(1), by striking '' 'United States' '' and all that follows through ''and 'State' '' and inserting '' 'United States', 'person', 'weapon of mass destruction', and 'State' '';

(5) in section 304(b), by striking ''subsection (a)(3)'' and inserting ''subsection (a)(2)''; and

(6) in section 502(a), by striking ''a annual'' and inserting ''an annual''.

SEC. 802. TECHNICAL AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended—

(1) in paragraph (1) of section 5(a), by striking ''authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).''; and

(2) in section 17(d)(3)(B)—

(A) in clause (i), by striking ''advise'' and inserting ''advice''; and

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

''(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

''(I) Deputy Director;

''(II) Associate Deputy Director;

''(III) Director of the National Clandestine Service;

''(IV) Director of Intelligence;

''(V) Director of Support; or

''(VI) Director of Science and Technology.''.

SEC. 803. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE.

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking ''ASSOCIATE DIRECTOR OF CIA FOR MILITARY AFFAIRS'' and inserting ''ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA''; and

(2) by striking ''Associate Director of the Central Intelligence Agency for Military Affairs'' and inserting ''Associate Director of Military Affairs, Central Intelligence Agency, or any successor position''.

SEC. 804. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 3(4)(L), by striking ''other'' the second place it appears;

(2) in section 102A—

(A) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs'';

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs'';

(ii) in paragraph (3) in the matter preceding subparagraph (A), by striking ''subparagraph (A)'' and inserting ''paragraph (1)(A)''; and

(iii) in paragraph (5)—

(I) in subparagraph (A), by striking ''or personnel'' in the matter preceding clause (i); and

(II) in subparagraph (B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(D) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION'';

(3) in section 103(b), by striking '', the National Security Act of 1947 (50 U.S.C. 401 et seq.),'';

(4) in section 104A(g)(1) in the matter preceding subparagraph (A), by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(5) in section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)'';

(6) in section 701(b)(1), by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(7) in section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''; and

(8) in section 1003(h)(2) in the matter preceding subparagraph (A), by striking ''subsection (i)(2)(B)'' and inserting ''subsection (g)(2)(B)''.

SEC. 805. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the heading, by striking ''FOREIGN''; and

(2) by striking ''foreign'' each place it appears.

(b) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE.—Such section 1403, as amended by subsection (a), is further amended—

(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.

(c) FUTURE-YEARS DEFENSE PROGRAM.—Subsection (c) of such section 1403, as amended by subsection (b), is further amended by striking ''multiyear defense program submitted pursuant to section 114a of title 10, United States Code'' and inserting ''future-years defense program submitted pursuant to section 221 of title 10, United States Code''.

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The heading of such section 1403 is amended to read as follows:

''SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1485) is amended by striking the item relating to section 1403 and inserting the following new item:

''Sec. 1403. Multiyear National Intelligence Program.''.

SEC. 806. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO THE NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3643) is amended—

(1) in subparagraph (B) of section 1016(e)(10) (6 U.S.C. 485(e)(10)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice'';

(2) in subsection (e) of section 1071, by striking ''(1)''; and

(3) in subsection (b) of section 1072, in the subsection heading by inserting ''AGENCY'' after ''INTELLIGENCE''.

(b) OTHER AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) is amended—

(1) in section 2001 (28 U.S.C. 532 note)—

(A) in paragraph (1) of subsection (c)—

(i) by striking ''shall,'' and inserting ''shall''; and

(ii) by inserting ''of'' before ''an institutional culture'';

(B) in paragraph (2) of subsection (e), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''; and

(2) in section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 807. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

SEC. 808. TECHNICAL AMENDMENTS TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

SEC. 809. TECHNICAL AMENDMENTS TO SECTION 602 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995.

Section 602 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 403–2b) is amended—

(1) in subsection (a), in paragraph (2), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(ii) in subparagraph (B), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(C) in paragraph (3), by striking ''Director of Central Intelligence'' and inserting ''Director of the Central Intelligence Agency''.

SEC. 810. TECHNICAL AMENDMENTS TO SECTION 403 OF THE INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1992.

(a) ROLE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Section 403 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 403–2) is amended by striking ''The Director of Central Intelligence'' and inserting the following:

''(a) IN GENERAL.—The Director of National Intelligence''.

(b) DEFINITION OF INTELLIGENCE COMMUNITY.—Section 403 of the Intelligence Authorization Act, Fiscal Year 1992, as amended by subsection (a), is further amended—

(1) by striking ''Intelligence Community'' and inserting ''intelligence community''; and

(2) by striking the second sentence and inserting the following:

''(b) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Reyes moves that the House concur in the Senate amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 1674, the motion shall be debatable for 1 hour, equally divided and controlled by the Chair and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. REYES. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

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

I am proud to rise today in support of my motion to concur in the Senate amendment to H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010.

This bill has been a long time coming. It has been almost 6 years since an intelligence authorization bill has been signed into law. Year after year, the intelligence committees have marked up authorization bills and tried to get them enacted. And year after year, these efforts have fallen short.

Authorization bills are critical to the smooth functioning of the intelligence community. We face innovative and aggressive adversaries, and the intelligence community needs the flexibility to adapt. But the authorities and institutions of the intelligence community are, to a large extent, set by statute. Only acts of Congress—traditionally in the form of authorization bills—can give the community the tools it needs to keep America safe.

Most intelligence activities are, by necessity, shielded from public scrutiny. Congress has an obligation to ensure that the activities of the intelligence community are legal, effective,

and serve the best interests of the United States. The Intelligence Authorization Act is the principal means for doing this.

The bill before us today meets this high standard. It is the product of months of bipartisan discussions between the House and Senate intelligence committees, leadership, and the White House. Let me highlight several important provisions.

First, the bill would substantially reform the process through which the President notifies the so-called Gang of Eight regarding certain sensitive covert operations. As Members may know, the National Security Act gives the President the authority to limit briefings on certain sensitive covert actions to the Gang of Eight. It has been the belief of both intelligence committees that the Gang of Eight authority has been overused, and that the entire committee membership should be informed on matters of critical importance.

For that reason, an earlier version of the bill removed the statutory authority for limiting briefings to the Gang of Eight. Last July, the administration threatened to veto the bill if it included that language. After months of tough negotiations, we have reached a compromise that substantially improves the notification process, and which the President will sign.

The bill requires that the President notify all members of the intelligence committees that a Gang of Eight briefing has occurred and give a ''general description'' of that notification. It requires that the full briefing be automatically made available to all members in 6 months, unless the President recertifies that the briefing must stay limited.

It also requires that all Gang of Eight briefings be in writing and that the President maintain a written record of those receiving these limited briefings. Finally, like earlier drafts, it requires that the President provide the legal basis for an intelligence activity and sets a new standard for determining when certain activities must be notified.

Second, the bill would help the General Accounting Office gain access to the intelligence community. For decades, the executive branch has prevented GAO from conducting audits or investigations into intelligence activities. This bill directs the Director of National Intelligence to come up with regulations to govern GAO access to the intelligence community.

The new DNI, General Clapper, has suggested in testimony that he would be open to working with GAO. This provision would give him the opportunity to put his words into action.

Third, the bill would put in place a number of measures to help stamp out waste, fraud, and abuse. It would create an Inspector General for the intelligence community, with authority to conduct oversight across the community and on the critical issues regarding coordination and cooperation between agencies. It also requires a comprehensive assessment of contracting practices across the community, which would give Congress the tools it needs to help control contractor costs.

Fourth, the bill creates new cost-control measures for the acquisition of major systems, many of which have been subject to serious cost and schedule overruns in recent years. This includes a mechanism—based on the Department of Defense's Nunn-McCurdry provision—that requires congressional notification and program restructuring when certain cost thresholds are exceeded.

Fifth, the bill modifies various authorities to ensure the intelligence community has the tools it needs to keep the country safe. These include an exemption to certain public disclosure requirements for operational files transferred to the ODNI, a reform that the Director of the National Counterterrorism Center said was critical to information sharing.

Madam Speaker, these are vital reforms, as are others in this important bill. They have been priorities of this body, on a bipartisan basis, for a very long time. It's time we got these reforms enacted. It's time for us to pass this bill.

Therefore, I urge all my colleagues to vote ''yes.''

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

Mr. HOEKSTRA. Madam Speaker, I yield myself as much time as I may consume.

The fourth time for this bill on the floor is not the charm. This continues the process of bringing badly thought through, badly formed legislation on intel to the floor of the House of Representatives.

This is the fourth rule that we've considered this year as we've gone through this process. It is interesting that this bill is titled the fiscal year 2010 authorization. It's September 29. Tomorrow is September 30. Maybe the President will sign this bill if we pass it tonight, meaning that much of the bill will be meaningless, or only in effect for 6 to 8 hours, maybe 10.

This bill, I don't believe, Mr. Chairman, even has a classified annex. It was the one thing that we agreed on, on a bipartisan basis, as to how funding for the bill, or for the intelligence community and different agencies within the intelligence community, at what level they would be funded. Again, it's one part where we had bipartisan agreement. It's gone. We're now just authorizing the expenditures as done through the appropriations committee. Members have no time to review the classified annex. There was no classified annex outlining these specific appropriations levels by different organizations within the intelligence community. Nothing for the Members to review.

The notifications, it's a fig leaf. It says the administration still shall determine who shall be informed of what and when.

□ 1840

We had stronger language before, accepted on a bipartisan basis. Now all the administration has to do is notify other people that the Gang of Four or the Gang of Eight has been notified of certain information, but they don't have to disclose. They have to outline why, but there is no requirement for more complete exposure.

It is a fig leaf that may serve as a justification for dealing with a complaint that was made by the Speaker of the House in May of 2009. The Speaker of this House said the CIA ''misleads us all the time.'' You know, we've asked for more of an explanation on that. The chairman of the committee and the chairwoman of the subcommittee in October 2009 said that they were going to do a notification and a covert action investigation—as far as I can tell, it has never happened, and it is not complete after almost a year now—to find out if there were problems with notification and if it were true that, as the Speaker claimed, the CIA misleads us all the time. So, in one way, we are providing something that may serve in dealing with this allegation by the Speaker.

At the same time, we have CIA employees around the world who did what the administration asked them to do and what previous administrations notified Congress they were doing about what they were going to do to keep America safe. They notified, and took Congress through that in great detail. The people went through that notification process in great detail, understanding that, when they left, if the administration had had a problem with it, they ought to have stood up and said, ''We've got issues with these, and we need to work through them.'' Instead, there was either silence or affirmation that what the CIA and what these individuals within the CIA were doing was appropriate, was necessary and was supported by the political leadership of this Nation as being their best intent to keep us safe.

So, while this bill may serve to provide some people with political cover, it does nothing to protect the CIA employees who now, for the third time, are under review by the Justice Department as to whether they should be prosecuted for doing what the political leadership of this country asked them to do.

Where is the equality? Where is the fairness? How does this serve our national interest by allowing these people to continue to be hung out, facing possible prosecution? It is wrong. It is inappropriate. It should have been dealt with in this bill.

I will detail a number of other issues that also need to be dealt with, but at this point in time, I reserve the balance of my time.

Mr. REYES. Madam Speaker, I yield to the gentlewoman from California

(Ms. HARMAN) for the purpose of a unanimous consent request.

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Madam Speaker, I rise in strong support of H.R. 2701. I commend the Speaker and committee majority for achieving administration support for more inclusive briefings.

Madam Speaker, during four years as Ranking Member of the House Intelligence Committee, I fought hard to expand the handful of Members briefed by the Bush administration. In my view, that administration abused the definition of covert action under the National Security Act of 1947.

Recently declassified transcripts from those briefings will show instances when serious concerns were raised regarding legal authorities for a range of policies, including ''enhanced interrogation techniques.''

Those were dark days, when even as Ranking Member, I struggled to get operational details about programs well within the jurisdiction of our committee.

As a member of the so-called ''Gang of 8,'' I had no ability to consult staff or other colleagues about the information I received.

By the end of the Bush administration, more Members were briefed about sensitive programs, but the changes were not sufficient. It has taken a lot of persuasion to convince the Obama administration to agree formally to brief the entire committee, in most cases, about the government's covert action programs.

The bill before us today requires the President to provide all Members of the Intelligence Committee the same briefings delivered to the ''Gang of 8'' within 6 months unless he certifies ''extraordinary circumstances.''

And all Members of the Intelligence Committee must be notified that a Gang of 8 briefing has occurred.

The bill also requires the Director of National Intelligence to work with GAO to gain access to information within the Intelligence Community to be included in their reports.

These changes go a long way toward correcting the problems that plagued both sides of the aisle during my tenure on the House Intelligence Committee.

I am also pleased that the bill contains a provision I authored to require the DNI, in consultation with the Nuclear Regulatory Commission, to submit a report to Congress about the threat of dirty bombs (including highly dispersible substances such as cesium-137).

As an institution, Congress must exert our prerogative to monitor and rectify problems that surface in the programs that affect both our security and our liberty.

The American people deserve no less.

Mr. REYES. Madam Speaker, I yield 2 minutes to the chair of the Intelligence Community Management Subcommittee, the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, thank you for your distinguished leadership of the House Intelligence Committee.

Madam Speaker, after 5 long years, we will soon have an intelligence authorization bill enacted into law. I would have thought that the ranking member of the committee would at least acknowledge that, because it is an accomplishment. It is an accomplishment that is worth highlighting, and it is an accomplishment that should be a source of pride to all Members of Congress, because the Congress is weighing in with its priorities.

Now, passage of this act, in my view, is going to reassert Congress' role in the oversight of our Nation's intelligence agencies. We have a very special duty to oversee intelligence activities because our Nation's security is always at stake.

As the chair of the Subcommittee on Intelligence Community Management, I've had a particular interest in congressional oversight and the tools that we need to improve it. This bill contains many provisions that will improve the congressional oversight of intelligence activities.

First, the bill requires the DNI to establish procedures to allow GAO access to intelligence community information. This provision will clarify the guidelines under which GAO may audit the intelligence community while recognizing that GAO, on behalf of the intelligence committees, has the authority to do so. The new DNI Clapper noted the value of GAO studies during his confirmation hearing, and this provision will give him the opportunity to live up to his words.

Second, the bill modifies statutory authorization for the so-called ''Gang of Eight'' procedure, and raises the threshold for this limited notification. This is a big change. It requires that the President inform all members of the intelligence committees that a Gang of Eight briefing has occurred and provide a general description of that briefing.

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

Mr. REYES. I yield the gentlewoman an additional 30 seconds.

Ms. ESHOO. All committee members will receive a full briefing 6 months after the Gang of Eight briefing unless the President continues to certify that ''extraordinary circumstances'' still exist that require a limited briefing.

These were hard fought-for changes and reforms, and they were not easy to come to. I think that, regardless of whether it is a Republican administration or a Democratic administration, these reforms are tough to get. Yet they have been secured, and I think they are very important, not only for the operation and the oversight of the committees, but for the betterment of the American people and our national security.

Finally, the bill creates a statutory and independent Inspector General for the intelligence community, and I think that this is another great plus.

This bill strengthens the prerogatives of Congress, and I urge my colleagues to support it.

Mr. HOEKSTRA. Madam Speaker, at this time, I yield 1 minute to the gentleman from California (Mr. GALLEGLY).

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

Mr. GALLEGLY. Madam Speaker, this is my last opportunity to address the House as a member of the Permanent Select Committee on Intelligence. The past 8 years have been the opportunity of a lifetime for me.

I want to thank former Speaker Denny Hastert and Minority Leader JOHN BOEHNER for appointing me to this critically important committee.

I also want to take a minute to express my great appreciation to the most impressive staff I've ever served with, particularly Jim Lewis, our staff director. Jim is clearly a true patriot, and the service he has provided our country I will carry throughout the rest of my life.

I am going to miss the committee, but I will never forget the opportunities of the last 8 years.

Mr. REYES. Madam Speaker, I yield 2 minutes to the chairman of the Technical and Tactical Intelligence Subcommittee, the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Thank you, Mr. Chairman.

Madam Speaker, as a member of the House Intelligence Committee, as chairman of the Technical and Tactical Intelligence Subcommittee and as a proud representative of the National Security Agency, which is in my district, I rise in support of H.R. 2701.

It has been nearly 6 years since an intelligence authorization bill has been enacted into law. These bills help ensure that the intelligence community has the tools it needs to keep us safe and that Congress has the tools it needs to be effective in its oversight capacity.

□ 1850

The bill before us today does both, and I would like to highlight two provisions.

First, the bill includes significant reforms to the way the intelligence community makes major purchases. Our subcommittee has focused much of our time on helping to ensure that we buy the right kind of satellites at the right price. Just like recent reforms to our defense procurement process, this bill helps us protect tax dollars while keeping our country safe and secure.

The Nunn-McCurdy provision requires congressional notification when costs run significantly over budget and cancels programs that run 25 percent or more over budget unless we get a reasonable explanation.

Second, the bill gives the Director of National Intelligence a voice in the process as we review and update security-related export controls known as ITAR.

These regulations restrict what American companies can sell overseas, but there are prohibitions on old, simple, and widely available technologies that are putting American companies at a severe disadvantage to foreign competitors. Before the restrictions went into effect in 1998, 73 percent of the world market for commercial satellites went to U.S. companies. By 2000,

that figure had dropped to 27 percent. That's unacceptable.

Loosening these outdated restrictions is critical to more than 250,000 American jobs supported by the satellite industry, which has taken a hit with the global economic downturn. Over the past 2 years, the industry has shed about 5 percent of its workforce.

In addition to this bill under consideration today, the House has passed an ITAR provision in the Foreign Affairs authorization, and we are waiting for the Senate to act.

Mr. HOEKSTRA. At this time, I yield 5 minutes to my colleague from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I appreciate the gentleman from Michigan yielding.

Madam Speaker, I think it's important also to express my appreciation to the gentleman from Michigan who has served on this committee for the last 8 years, including as chairman of the committee and, for the last 4 years, as the ranking member of the committee. The contributions he has made in that capacity to the country will never be fully known, but those of us on the committee I think do appreciate the considerable work that he has done and the contributions he has made.

It's unfortunate that the last bill on which he will help manage time on the floor is this bill. I don't see how any Member can come and congratulate ourselves on finally getting an intelligence authorization bill to the floor that doesn't even have a classified annex to it. It doesn't seem to me to be a real bill at all. Unfortunately, and through no fault of the chairman who has been struggling to get a bill to the floor for months—years, actually, more than a year; it is not his fault—but this is not a real bill.

Madam Speaker, as a matter of fact, the history of this bill is rather pitiful. It was reported out of the committee in June of 2009, but then for 8 months you couldn't find time to bring it to the floor. Now, why was that? It wasn't like we had a lot of other pressing business for 8 months that prevented this bill from coming to the floor. It was because the Speaker set off a firestorm and controversy about when she was briefed on interrogations and what she knew and when she knew it. And then to defend herself, she charged that the CIA lies to us or misleads us all the time.

Well, then the bill could not be brought to the floor because there had to be a way found to protect the Speaker. And so 8 months later it finally comes to the floor, and then it takes two rules to get it to the floor because there was a provision added in the manager's amendment, again to prosecute CIA people, to hold them to a higher standard of accountability than all the law enforcement folks around the country. So they had to go back to the drawing board.

Now, 7 months after that, we are brought this kind of a shell bill and asked to rubber-stamp on the last day of the session what the Senate has done. As I say, Madam Speaker, I don't think there's much to be proud of here.

On the notification provision that we've heard so much about, it does very little. And I think it is sad in a lot of ways that the majority walked away from the bipartisan, the truly bipartisan compromise of a couple years ago that would raise the bar and require any administration to give this Congress more information. Instead, we have this token language which does very little, and yet, Madam Speaker, as the Director of the National Counterterrorism Center testified last week before the Senate, we have had more attempted attacks on our homeland over the past year than at any time since the attacks of 9/11.

So I think what is particularly unfortunate is what this bill does not do. This bill does nothing to prevent Guantanamo detainees from being brought here to the mainland of the United States, and yet tomorrow, the end of the fiscal year, tomorrow, all of the existing statutory prohibitions on bringing those terrorists here to the mainland expire. This bill was an opportunity to do something about that, and yet it does nothing.

This bill says nothing about releasing detainees who end up returning to the fight and come back attacking and sometimes killing our soldiers around the world.

This bill does nothing about foreign terrorists being told that they have the right to remain silent even before we get the information we need from them to prevent the next attack. Even though this House has voted on a bipartisan basis that they are not entitled to be told they can remain silent before we get the information we need, that's not in this bill.

This bill does nothing to try to resolve the issues of whether detainees should be tried in military or civilian courts, and yet those are some of the very issues that the American people want to see resolved.

For you see, Madam Speaker, for the last several months House Republicans have been listening to people and asking them what they would like to see done in Congress, and we've heard lots of information about not letting taxes go up, about restraining spending, repealing the health care bill, but on national security, the things we heard and the things that are in the Pledge to America talk about bringing detainees to the United States and about not letting them be released prematurely so that they return to the fight and not caring more about their rights than about the rights of the lives of Americans that we try to prevent.

We could do a lot better than this bill, Madam Speaker, and it should be rejected.

Mr. REYES. Madam Speaker, I yield 2 minutes to a member of the committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the chairman for yielding, and I want to compliment him on all his hard work in bringing the bill to this point after a long, tough challenge for many years.

I rise in strong support, Madam Speaker, of H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010.

This long overdue bill is the work of a committee that has been diligently pursuing, for years, our national security. H.R. 2701 addresses many vital areas and contains critical provisions that will assist us in combating the ever-evolving and emerging threats that our Nation faces, such as those emanating from the FATA in Pakistan, Yemen, the Horn of Africa, and Somalia.

In this bill, we've sought to provide the necessary guidance and authorities for the critical intelligence and intelligence-related activities of our U.S. military and civilian personnel in Iraq and Afghanistan, and provide important support to address emerging issues in Africa, Latin America, and elsewhere.

I'm proud to say this bill also goes a long way toward bringing increased fiscal responsibility to the intelligence community. By reducing the cost overruns on our major systems acquisitions, the acquisitions provision of this bill will free up money to devote to our military and civilians combating threats and preserving our national security in Iraq, Afghanistan, Yemen, Somalia, and elsewhere.

This is a strong piece of legislation. It will make our country safer. I urge my colleagues to pass the bill and let us have an intelligence authorization act this Congress while we have so many men and women in uniform and out of uniform fighting for our safety and security.

I thank you again, Mr. Chairman, for your perseverance on this.

□ 1900

Mr. HOEKSTRA. I yield myself 1 minute.

Madam Speaker, I find it interesting that people talk about, we are bringing fiscal responsibility back to the Intelligence Committee. There's not even a classified annex which outlines the spending that this committee believes each of the agencies should have for running their operations for fiscal year 2010. As I said earlier, that's one area where we had bipartisan agreement. That's been taken out. That's gone. We are not providing any type of fiscal direction to the intelligence community by telling them what we believe our priorities are.

The other interesting thing, as we go through this process, is that in the bill 2 years ago, we had a bipartisan vote on the floor. We adopted an amendment that I offered to prohibit the use of authorized funds for earmark purposes. As you take a look here, we've authorized everything that the Appropriations Committee has done. What has the Appropriations Committee done? Lots of earmarks in the intelligence bill.

Mr. REYES. Madam Speaker, I now yield 2 minutes to a member of the committee, the gentleman from Oklahoma, who just, I might add, had a son last week, and a valued member of our committee, Mr. BOREN.

Mr. BOREN. Mr. Chairman, I thank you for all the hard work you and the entire staff have done on this legislation.

Madam Speaker, I rise today in support of H.R. 2701, the Intelligence Authorization Act of 2010. This bill is an excellent product and addresses many critical areas, including those that have previously received little attention. One of the most important provisions in the bill is the commitment to developing foreign language capability, specifically in African languages that have historically been underrepresented in the intelligence community.

The bill creates a pilot program under the National Security Education Program, or the NSEP. It expands the David L. Boren Scholars by requiring the Director of National Intelligence to identify five high-priority African languages for which language education programs do not currently exist. The NSEP would then develop intensive training programs for implementation in both the United States and in countries where the languages are spoken.

Let's not forget that 10 years ago, we didn't anticipate conflicts along the Afghanistan-Pakistan border and the need for Dari, Pashto, and Urdu speakers. When the need arose, we didn't have the capabilities to meet immediate demands, and to this day, we are still playing catchup. Similarly, we cannot predict from where the next crisis will emerge. But by recognizing the current instability in the Horn of Africa, Sudan, and Congo, we can anticipate crises that may impact U.S. national security interests in the near future. We should be training the linguists and translators in the relevant languages now so that, once again, we are not reactive in our efforts but proactive in our actions. I urge my colleagues to support this bill.

Mr. HOEKSTRA. I yield 4 minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Speaker, I too want to extend my thanks and gratitude on behalf of a grateful Nation for the work and service behind closed doors, with the microphones and the cameras gone, that the gentleman from Michigan has given to the Intelligence Committee and the intelligence community, and his efforts to continue to fight for policy that keeps Americans safe.

Sir, I know America won't know of most of it, but please know that those of us that do have your back for the work that you've done. Thank you very, very much.

The face of terrorism is changing, and it's changing in a very rapid way. Years ago we sat down and we asked our intelligence officials to do very hard things. We said to go to dangerous places and talk to dangerous people, find out the information that we need, identify those who have done horrible things to this country, and help us bring them to justice.

It was the President of the United States at the time, George Bush. It was NANCY PELOSI who was sitting in the meetings, the intelligence meetings who said, Yes, that's the right policy. That's the right thing to do. And the battlefield has changed. It isn't just overseas anymore, where we write songs about our soldiers leaving the shores of the United States. The battlefield has come to us. It has killed U.S. citizens, and they attempt again and again to do that.

This bill is a disappointment. This bill is really offensive. This is a 2010 bill that will be practically irrelevant tomorrow. We are passing a bill that will be almost irrelevant tomorrow. There is no classified annex. You can't call this an intelligence bill that sets us on the right path with no classified annex. How can we congratulate ourselves for this?

There is more political cover in this bill than there is cover for the United States to go aggressively and pursue terrorism around the world. This bill protects the Speaker of the House, but it doesn't protect the CIA officers that all of us ask to do dangerous work around the world. Instead, they have to get lawyers and answer questions, the Department of Justice, after the President and this Congress said, Go do this for your country, for our safety, for our future. That's a slap in the face for the very people we have asked to risk their lives. They're not supposed to be facing a subpoena. They should be facing a crowd of cheering Americans saying, Thank you for your service in the difficult times this country faces in the war on terror. That is abandoned in this bill.

Tomorrow we are going to allow Guantanamo detainees to be transferred to the U.S. That provision is not in the bill. We all unified, said, This is a bad idea. Don't bring the best trained terrorists to the United States. It doesn't take a rocket scientist to say, That's an awful idea. And Americans say, Don't do it. There's a better way. This bill rejects that notion and goes to the very heart of why Americans are concerned about the direction of how we pursue terrorism in these days and in the days ahead.

It now treats foreign terrorists committing acts of terrorism against the United States with the same benefits as a United States citizen. What? Most Americans, the average Americans know you don't do that. They are enemy combatants. The battlefield might not be in Afghanistan. It might be on the seat of an airplane coming to the United States of America. The battlefield is no different because the results of death and terrorism and mayhem are the same.

We reject that in this bill and say, You know what, we are turning the page. We are going to treat those enemy combatants, those foreign terrorists, with all the benefits of a citizen of the United States.

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

Mr. HOEKSTRA. I yield the gentleman 30 additional seconds.

Mr. ROGERS of Michigan. Madam Speaker, I hope that we can shake ourselves out of this notion that we are going to take the war on terror and treat it like a law enforcement event. It slows things down. We had that fight, but this bill goes even further. It says that we don't care what Americans believe will keep us safe, and we care more about the politics of what's going on today than we do the policies of terrorists who seek to do us harm. This is not the direction that we need. I would strongly urge this body's rejection and let's get about the work of a 2011 budget that can serve to protect the United States of America.

Mr. REYES. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, the American people are tuned in tonight. They must be confused that we are kind of talking in parallel universes here. For instance, there are no earmarks in this bill, in H.R. 2701. There are also a host of legislative provisions in this bill that will have a permanent effect on the operations in the intelligence community. Today's date, tomorrow's date, next week's date doesn't change any of that. And it's gratifying to know that for the last few months, our colleagues on the other side of the aisle have embarked on a listening campaign. It is good that they listen, and I hope that they have also gotten back the message that the American people are sick and tired of their strategy of just saying ''no'' to everything.

Isn't it interesting—at least I find it interesting—that H.R. 2701 had unanimous support on the Senate side. That means both Democrats and Republicans. But somehow, some people don't understand or didn't get the memo that it is okay to agree on protecting this country. It's okay to agree to pass a piece of legislation that fundamentally does that.

□ 1910

This bill does that. Is it perfect? No. Is it a compromise? Yes. But that is the reality of legislative compromises.

They talk about Guantanamo. Tonight we are going to vote on a continuing resolution. This bill does nothing to impact on anything to do with Guantanamo. Voting on the continuing resolution, we will vote on keeping those protections in place.

Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, let's talk about what should have been in this bill and what this bill does do and what it doesn't do.

We all know that the face of terrorism is changing. We have seen Fort

Hood, we have seen the attempted attack in Detroit, we have seen the attempted attack at Times Square. We know that terrorism is changing.

This bill is based on the past. There were reports that came out after these attacks and attempted attacks on the United States outlining changes that they thought needed to be made. As terrorism changed, intelligence policies needed to change as well.

The recommendations included improving the systems that deal with information, information sharing, terrorist screening, watch lists, watch list criteria, and those types of things. That's not dealt with in this bill. It is on the sidelines, even though the threat has evolved.

My colleagues have clearly articulated that, by doing nothing, we now open the possibility for Gitmo folks to come to the United States. We open the possibility and the likelihood that once again terror suspects overseas will be Mirandized.

Where is there a provision in this bill that would regulate covert actions that may impact U.S. citizens? Where is the bipartisan part of this bill, the classified annex, the part that we did agree? It was tossed.

Why wasn't there a conference on this bill? Why couldn't we go and have a meaningful discussion and debate involving all the parties about what would make a good intelligence bill?

When did Members meet to discuss the bipartisan agreement that has been claimed in the Senate amendment? They didn't meet. This is a short-circuited process that didn't address and doesn't address the top issues that needed to be addressed to keep America safe.

Mr. REYES. Madam Speaker, I yield myself 1 minute.

There are a lot of things that aren't in this bill. There aren't any things dealing with water, there aren't any things dealing with the border, there aren't any things dealing with other aspects.

We are here to pass a piece of legislation that has the support of every Senator in the other body. We are here to pass a piece of legislation that fundamentally protects this country.

And I can certainly understand the questions that my colleague from Michigan has because for the last year he hasn't been here. He has been in Michigan doing other things.

But to criticize a piece of legislation that we have reached out, that we have worked together—and as I said in my opening statement, this is a compromise agreement that was agreed to by the House, the Senate, and the administration. It is a good piece of legislation. It deserves to be supported.

Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I yield myself 1 minute.

There aren't a lot of things in this bill. The chairman is absolutely right. Lots of things that should be in this bill. There should be a classified annex. There should be something that outlines our committee's response to what many believe are actions that are being carried out by the government through covert means that affect Americans overseas. This committee should take a stand on that position or on that issue.

This committee should take a stand on Mirandizing. This committee should take a stand on Gitmo. This committee should take a stand on the things that groups who have taken a look at what is happening to terrorism and have recommended changes that be made to keep America safe. And that is a reason why we are opposed to this bill.

We know what is in the bill, and we know what is not. The things that would keep America safe and safer in a changing environment are not in this bill.

Mr. REYES. Madam Speaker, it is my privilege now to yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the committee and the chairman of the Select Intelligence Oversight Panel.

Mr. HOLT. Madam Speaker, I want to thank the distinguished chair of the House Permanent Select Committee on Intelligence, Mr. REYES, for bringing this bill to the floor today. It has required a lot of effort, some compromise and hard work.

The bill advances a number of my priorities, including a sustained emphasis on improving our foreign language capabilities, expanding the Government Accountability Office's ability to conduct investigations of intelligence community activities, and a long overdue declassification review requirement of the gulf war illness-related records at the CIA.

I think we can still do more to provide strong congressional oversight of our intelligence activities. And I am also disappointed that the other body blocked the inclusion of language that I developed that would mandate the video recording of detainee interrogations by the Central Intelligence Agency.

A similar version of this language has been law since last year and governs video recording of detainees in custody of the Defense Department. And multiple studies have documented the benefits of video recording, electronic recording of interrogations, and law enforcement organizations across the United States routinely use the practice to protect both the person being interrogated and the officer conducting the interrogations. Clearly, in the intelligence community, this would be a valuable tool as well. And of course we know that at times the intelligence community does think this is a valuable tool. Otherwise, it would not have made recordings of interrogations of high-value detainees after they were captured in the wake of the 9/11 attacks.

Should a future President direct the CIA to hold detainees for interrogation, those interrogations certainly should be recorded. Accordingly, I hope we will be able to remedy this in next year's bill.

I also wanted to say a word about the so-called Gang of Eight briefings. Because of the importance of this issue, it can get obscured by ''inside the beltway'' jargon. I want to make it clear that in this legislation, we are not and we should not cede the congressional prerogative to compel the President to share information on covert action programs.

So as you read the language of this bill, as my colleagues read the language of the bill, I hope they will understand that we have a constitutional obligation, independent and separate from the executive, to oversee the activities of the executive branch in this area.

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

Mr. REYES. Madam Speaker, I yield the gentleman an additional minute.

□ 1920

Mr. HOLT. I opposed the previous administration's effort to subvert congressional oversight of intelligence activities, and I am not convinced that we have struck the right compromise language in this legislation. But even so, the requirement of written notification of covert actions is an important step forward, and passing this bill will not mark the end of our reform process.

Given what is accomplished in this bill, I am pleased to vote for the bill, and I urge my colleagues to do so as well.

Mr. HOEKSTRA. I yield 2 minutes to my colleague from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Speaker, let me just say that I agree with the gentleman from New Jersey that we do have an independent constitutional responsibility to obtain the information that is necessary for us to do our job, not just on covert action but on all information. That is one of the reasons I was so disappointed at this fig leaf notification provision which is in this bill.

Madam Speaker, there are all sorts of bad ideas that start coming out and can even pass one body or another unanimously at the end of a session, but this bill is not a real bill.

We have talked several times about the classified annex. What that means is a line-by-line description of the various intelligence programs and how much funding would go to each of them. That is the basic essence of an intelligence authorization bill, and yet that does not exist with this bill. That is what had bipartisan support over the last 1½ years as we have been working on it. But then, when it comes to the floor, that part suddenly gets dropped. What is left is just a rubber stamp of what the appropriators have done, and that does include the earmarks that the gentleman from Michigan talked about.

So instead of coming to fruition for the work that this committee has done for the past 1½ years, instead we get what the Senate will accept or are expected to rubber-stamp it over here and pretend we have done something. But we haven't. We haven't done the basic things that the American people want us to do to keep this country safe.

And I think it is true, as the chairman indicated, the American people do not want us to just say ''no.'' They want us to say ''no'' more often to bad ideas and wish this Congress had said ''no'' more often to a lot of the things that had actually gotten passed. But they want us to seriously address the issues about Guantanamo detainees, about Mirandizing terrorists, about making sure that terrorists are not released prematurely, keeping this country safe; yet this bill falls short. It is a disappointment.

Mr. REYES. Madam Speaker, it is now my privilege to yield 3 minutes to a Member who has been a leader on the issue of cybersecurity, a member of our great committee and the chair of the Armed Services Subcommittee on Strategic Forces, Mr. LANGEVIN.

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

Mr. LANGEVIN. I want to thank the chairman for yielding and congratulate him for his outstanding work on this important intelligence authorization bill. It has been my privilege to work on the committee now for 4 years.

Let me just say, Madam Speaker, that I rise in strong support of H.R. 2701. It has been nearly 6 years since an intelligence authorization bill has become law. This bill helps to provide the intelligence community with the essential tools it needs to confront the threats posed by our adversaries, and it is vital that this bill pass today.

It takes a number of important steps toward improving congressional notification, particularly with respect to Gang of Eight issues, making sure that the Intelligence Committee is actually informed when the top Members of the Congress have been notified that an intelligence activity has occurred. It also makes sure that the President has to provide the legal basis for all intelligence activities.

Beyond that, this bill would enact a number of important reforms, but it makes particularly important strides in securing the Nation's cyberspace.

Clearly, our Nation's water, power, communications, and emergency response systems all depend on a secure, resilient information infrastructure. All are under regular threat from hackers, terrorists, and foreign intelligence agencies.

This bill includes an amendment that I proposed requiring a study of the capabilities of America's current Federal cybersecurity workforce. The administration's 60-day cyber review highlighted the government's cyber workforce as one of the areas that needs the most improvement. The government right now simply doesn't have enough cybersecurity experts, and we have to do a better job of competing with the private sector for scarce talent.

This study that I made sure was in this bill addresses these weaknesses by examining how best to attract, retain, and develop the workforce that the United States Government needs to defend our critical infrastructure. This includes an evaluation of the benefits of outreach to industry and academia, who can be critical partners in securing our cyber networks.

Madam Speaker, more than ever the United States needs to realize that cybersecurity is an issue that requires urgent attention. The American people are depending on us. We cannot remain complacent. We can't wait until a catastrophic event happens. I look at this as a potentially pre-9/11 moment, where we know that there is a critical vulnerability in our cybersecurity infrastructure and we need to move more quickly to protect it.

I want to thank Chairman REYES for his outstanding leadership on this issue. A lot of the work you don't see that he does and the committee does behind the scenes, but it is essential, it is important, and I thank the gentleman for his leadership. I certainly urge passage of this bill.

Madam Speaker, I rise in support of H.R. 2701.

It has been nearly six years since an intelligence authorization bill has become law. These bills help provide the Intelligence Community with the tools it needs to confront the threats posed by our adversaries, and it is vital that this bill pass today.

The bill would enact a number of important reforms, but it makes particularly important strides in securing cyberspace. Our nation's water, power, communications, and emergency response systems all depend on a secure and resilient information infrastructure. All are under regular threat from hackers, terrorists, and foreign intelligence agencies.

This bill includes an amendment I proposed that requires a study of the capabilities of America's current federal cyber workforce. The Administration's 60-day cyber review highlighted the government's cyber workforce as one of the areas that needs the most improvement. The government simply does not have enough cybersecurity experts; we must do a better job competing with the private sector for scarce talent.

This study addresses these weaknesses by examining how best to attract, retain, and develop the workforce the United States government needs to defend our critical infrastructure. This includes an evaluation of the benefits of outreach to industry and academia, who can be critical partners in securing our networks.

Madam Speaker, more than ever the U.S. needs to realize that cybersecurity is an issue that requires urgent attention. We cannot remain complacent.

I strongly support this bill. I urge all my colleagues to do the same.

Mr. HOEKSTRA. I reserve the balance of my time.

Mr. REYES. Could I inquire as to the amount of time on either side?

The SPEAKER pro tempore. The gentleman from Texas has 7 minutes, and the gentleman from Michigan has 8 minutes.

Mr. REYES. Madam Speaker, it is now my privilege to yield 1 minute to the majority leader, a gentleman who has worked tirelessly the last few months to make sure that we have a good bill and a good compromise. I have been told that compromise is one where everyone feels that they didn't get everything they needed but it's at a place where we should be able to support it. No one personifies that better than our majority leader, Mr. HOYER.

Mr. HOYER. I thank the chairman for his generous remarks. More importantly, however, I thank him for his very hard, focused, untiring work on making sure that, for the first time since 2004, we pass an authorization bill for intelligence.

I want to say that all of us have been engaged in this, but no one more than the chairman, and I thank him for his work. I also thank the staff, the staff director, and members of the staff who have done an extraordinary job as well. I know that the minority staff has worked hard on this as well, and Mr. HOEKSTRA, of course, who has been on the Intelligence Committee for many, many years.

I rise, Madam Speaker, in support of this intelligence authorization bill. The passage of this legislation, as I said earlier, is the first intelligence authorization bill to be passed since 2004. On something as critically important as our national security, national intelligence, it is unfortunate that we haven't been more successful in the past in passing a bill, for whatever reasons. This is a major step to strengthen our national security.

The bill continues policies that are working to help keep America safe from terrorist attack, policies which have been supported by two administrations. It also strengthens oversight of our intelligence community.

□ 1930

In a democracy, we have recognized in a bipartisan way that intelligence is critical, but in a free and open society it is also important that the people's representatives have meaningful oversight. While this community deserves the support of Congress, and it has always had mine, it also requires oversight by the Congress and direction from the Congress as to what policies the people's representatives believe ought to be followed. In my opinion, this bill does that.

The bill creates an independent inspector general with responsibility for the entire intelligence community. It reforms the briefing process for the bipartisan leadership of both Chambers and their Intelligence Committees, ensuring that the full membership of the House and Senate Intelligence Committees are informed when briefings occur and making the briefings available to all members of the committees 6 months after the initial briefings.

It is critically important that we keep secret those matters which are important to keep secret for our national security. On the other hand, we know from history, we know from experience, that it is critically important, as I have said in the past, that the people's representatives have knowledge and briefings as to those undertakings of this community.

This bill provides for the development of a framework that will enable the Government Accountability Office to conduct proper oversight of intelligence activities and reforms the intelligence community's acquisition process to avoid waste of taxpayer money.

This bill passed the Senate with unanimous support from both parties. This is not a partisan bill. This is a bill that the Senate Republicans and the Senate Democrats believed added to the security of our country.

In fact, I agree with Senate Intelligence Committee Vice Chairman KIT BOND, who formerly was, of course, the chairman of the Intelligence Committee, with whom I worked very hard in a bipartisan fashion to pass the Foreign Intelligence Surveillance Act, with the help of my friend the chairman and the support of President Bush.

KIT BOND said this about this bill: ''We can do more to protect Americans from attack, and passing the intelligence authorization bill,'' referring to the bill that is on the floor, ''passing the intelligence authorization bill and improving congressional oversight over our spy agencies is an important first step.''

That is what Senator BOND said, the Republican chair of the Intelligence Committee, and now the vice chair of the Intelligence Committee.

I want to thank the members of the House Intelligence Committee on both sides of the aisle, especially, as I have said, Chairman SILVESTRE REYES and his staff, for their very hard work in writing and securing support for this legislation. It was not an easy road. There was disagreement.

The administration, this House, the Senate, had to come to an agreement. They have come to an agreement, an agreement which I think is, as KIT BOND said, a step in the right direction, an important step, and I hope that my colleagues will support it.

This is another contribution to strong and responsible leadership of our national security. I urge my colleagues to support it so that President Obama can sign it into law.

There is no higher responsibility than we have when we raise our hands in this Chamber to support and defend the Constitution of the United States and the laws thereof. Clearly, one of our major responsibilities is to protect America from adversaries, whether they be domestic or foreign, and in that process have an intelligence community that has the capability of ferreting out those who would harm this country and its people. But we also need to have an active, engaged, and responsible, as we do, Intelligence Committee, both in the House and in the Senate, to ensure that the values that make this country so special are honored even as we take every step that is necessary and proper to defend and protect America and Americans.

I urge the passage of this important piece of legislation.

Mr. REYES. Madam Speaker, I reserve the balance of my time to close.

Mr. HOEKSTRA. I yield myself the balance of my time.

Mr. Chairman, thank you for the opportunity to work with you on the committee. I am disappointed that we did not get to agreement on this bill and that we are at different places on what is a very important piece of legislation to keep America safe.

I wish you the best in your future in Congress, as I leave this institution and as I leave the House Intelligence Committee. It has been a great honor to serve on this committee and do the work that we have tried to do to keep America safe.

You know, there are things that I wish we would have gotten done as we structured this bill that would have enabled us to move forward in a bipartisan basis.

There have been a number of investigations, beginning in 2007 dealing with the tapes investigation, dealing with detention, dealing with interrogation. I wish those investigations had been completed and reports would have been issued, and that we would have used the findings of those reports and those investigations to improve this bill.

I wish that we would have continued to move forward in a way that, a few years ago, in a bipartisan basis, this House said we are not going to put earmarks into intelligence bills.

I wish that we as a committee would have taken a position in repudiating a position that the President of the United States took soon after he assumed office which said he was going to close Gitmo and move the detainees from Guantanamo, move them into the United States. I wish we had said in this bill that we would have continued that prohibition on moving and expending any funds for moving people from Guantanamo into the United States. That is now an open question as to whether that may or may not happen.

I wish that in this bill we would have taken a position and said that it is inappropriate to Mirandize terrorists captured overseas, in many ways, I believe, giving them more legal rights than what we give to our own employees of the CIA.

CIA employees that do face perhaps the possibility of being prosecuted, I wish we would have said in this bill, these people have been investigated twice, they did what the leadership and the political leadership of this country asked them to do, and we will now protect them and say no, no funds will be used to prosecute them for the things that leadership in the United States of America asked them to do to keep us safe.

I wish we would have clearly said that we repudiate the policy of this administration where they for a period of time said, ''We are not going to use the word 'terrorism' anymore. We are going to wipe the slate clean, and we are not going to use that language. We are now going to call terrorism 'man-made disasters.' ''

We all know that if you don't correctly identify the threat that you face, you will never be able to contain it, confront it, and defeat it.

I wish that we would have taken a strong position in this bill in response to what happened at Fort Hood. Remember at Fort Hood, for months after the attack at Fort Hood, where 14 Americans were brutally murdered, this administration refused to recognize that this might be related to terrorism or the threats that we face from overseas.

We now know that in this and other terrorist attacks, as this face of terrorism changes, that in Fort Hood and other instances, Anwar al-Awlaki, associated with al Qaeda on the Arabian Peninsula, played a part. We maybe don't know exactly how big of a part, but whether it was Fort Hood, whether it was the Christmas Day attack or what happened at Times Square, al-Awlaki may have been involved in some if not all of these attacks, and we know that al-Awlaki, bin Laden and all of these individuals continue to plan attacks against the U.S., against our allies in Europe, and against other friends around the planet.

These are all things that needed to be done in this bill. These are all things that needed to be done if we were going to keep America safer.

Right now, we all see and read about the fact that there is heightened awareness of threats, a heightened threat alert in Europe and in the United States, because we sense that there is an urgency by the radical jihadists to attack the West and to attack them again. This bill needed to meet that standard of addressing a changing environment, a changing threat level.

□ 1940

We see that happening. And my fear is that sometime in the future people are going to say Congress came up short. They didn't connect the dots one more time. They didn't connect the dots of threats coming out of Pakistan, coming out of Somalia, coming out of northern Africa, coming out of the Arabian peninsula. They didn't clearly understand the changing face of terrorism. They didn't learn the lessons from Fort Hood. They didn't learn the lessons from Christmas Day. They didn't learn the lessons from Times Square. Because the people who investigated those said, These are the types of things that we need to do to keep

America safe. And as we close out a fiscal year, Congress acted; but it didn't act on the lessons learned. Why didn't they act? Didn't they really have all the knowledge? Didn't they really connect the dots? I think we have the information. We could have connected the dots better. We needed to connect the dots better because each and every day the threats that we face change and adapt.

The challenge that we have as a Nation, that we have as an intelligence community is to design an intelligence community, to design an intelligence capability that is one step ahead of the challenges that we face, not one or two steps behind. The face of terrorism is changing. This bill doesn't put us out in front of dealing with those threats. It leaves us behind. That's why I am disappointed in this bill. That's why I am voting ''no,'' and I encourage my colleagues to vote ''no,'' because we need to do better than what is in this bill.

Having a bill with no classified annex providing no direction is not an authorization bill. Much more needs to be done. I wish and I hope that we can send this bill back, vote it down and improve it, and do what this country needs and what this country demands from us to keep America safe.

With that, I yield back the balance of my time.

Mr. REYES. I yield myself the balance of my time.

Madam Speaker, I want to take this time to thank the ranking member. Although we have disagreed many times on the way forward, we have never disagreed on the purpose that we're both here, and that is working hard to keep this country safe. As I thank the ranking member for his hard work and wish him well, knowing that he is going to be leaving Congress, I also want to assure you that we will continue to focus on the many things that I know we have in common, and that is making sure we do everything we can to continue to protect this country, continue to work together, the Senate, the House, and the administration, towards that effort.

I, too, would like to close by thanking all of the people who have worked so hard and for so long to get this bill to this point. First, I would like to thank the Speaker and the majority leader for their leadership and support during these tough negotiations. I would like to also thank Chairman FEINSTEIN and Vice Chairman BOND for their dogged commitment towards working in a bipartisan fashion to get this bill passed.

I would like to thank the members of the House intelligence committee who have all contributed valuable ideas and hard work towards this bill. Not everyone got everything that they wanted included in this bill, but I think it is a good compromise. I would also like to thank the staffs of the House and Senate Intelligence Committees on both sides, the minority and the majority side; the legislative counsels; all those who worked so very hard and many long hours. And in our case here, since we are going to have a bill for the first time in almost 6 years, it is vital and important to recognize that hard work.

This has been a monumental effort on the part of many, many people. The intelligence communities have worked for years on Intelligence authorization bills, only to see those efforts and that hard work frustrated by vetoes, by bipartisan politics, and other roadblocks. We have only been able to break through these barriers through diligence, leadership on both sides, and a commitment to national security that extends beyond partisan divisions.

The bill that we bring to the floor tonight is a product of compromise. As I said, we didn't get everything through this body. We didn't get everything that everyone wanted to be included, but I think we have got a great product that will help keep this country safe.

Finally, as I reflect back on the faces of countless men and women throughout the world in the 16 different agencies and the military working together as never before to counter the challenges and the threats that we face as a country, I am impressed by their professionalism, their dedication, their commitment, and their trust that we are going to do the right thing to give them the tools to carry out their assignments, to carry out their work, and to continue to keep us safe.

We have worked very hard, and now it is time for Members to do their part. This is the essence of what we have been sent here to do. We make difficult decisions that are in the best interest of our country. We don't always agree, but we govern. That is the American way. I am proud to have been a part of this process. I urge my colleagues to support this bipartisan product. And in the Senate, as the majority leader said, every member of the Senate supported this bill, sending a clear bipartisan statement on national security. That is what we're sent here to do.

So I hope that this evening we can send a similar message to the country that when the stakes are high, when the stakes are about the national security of our country, we can come together, set aside politics, set aside divisions and all the things that the American people have told us are not important in the realm of national security.

So it has been a great privilege and a great honor to lead this committee as chairman. This evening will be the culmination of months and months of work. And I am very appreciative of the work that has been done by both the majority and the minority and by the staffs on both sides. Certainly, I think we have a lot to be proud of; and, most of all, we can be grateful that the hard work being done by our men and women in the intelligence community through our support keeps us safe.

With that, Madam Speaker, I urge my colleagues to vote ''yes.''

Ms. PELOSI. Madam Speaker, every month, we take the time to pause here on the House floor and honor our men and women in uniform for their service.

Today, we have an opportunity to do the same for those who serve in our intelligence community. These officers are selflessly protecting the security of the American people. We are indebted to them for their dedication to the mission of keeping our Nation safe.

I would like to thank the distinguished Chairman of the Intelligence Committee, SILVESTRE REYES, for his leadership in bringing a bill to the floor today that has bipartisan support in Congress. It represents an agreement between Congress and the Executive Branch. And it will be signed into law by the President.

Keeping the American people safe is the first priority of every Member of Congress. One of the ways in which we do this is through the oversight of intelligence. A robust oversight framework is critical to ensuring that the intelligence community functions as effectively and efficiently as possible.

This legislation will enhance Congress's ability to perform its essential oversight role. It expands and improves congressional notification for covert action, including those currently restricted to the so-called gang of eight. It provides the framework for the Government Accountability Office to have access to intelligence community information so that it may conduct investigations, audits and evaluations when requested by Congress.

I urge my colleagues to join me in supporting this legislation, and the intelligence officers at home and abroad who keep the American people safe.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of the Intelligence Authorization Act of 2010.

This measure authorizes funding for the Office of the National Intelligence Director, the Central Intelligence Agency, and the National Security Agency, as well as the foreign intelligence activities of the Defense Department, FBI, State Department and Homeland Security Department. Further, to ensure that these and other activities are conducted in a manner that is consistent with the laws of the United States, the measure increases the levels of oversight of the intelligence community in several key ways.

First, the bill modifies the processes for reporting of intelligence activities, including covert actions, to the congressional intelligence committees.

The President is required by law to keep congressional intelligence committees fully and currently informed of intelligence activities, but under extraordinary circumstances, the President can limit these communications to the Chairmen and Ranking Members of the intelligence committees, the Speaker and Minority Leader of the House, and the Majority and Minority Leaders of the Senate. The bill alters this and requires the President to notify all members of the congressional intelligence committees when the 'Gang of Eight' has been contacted and notified of a covert incident and to provide a general description of that briefing.

Second, the bill requires the Director of National Intelligence to write regulations to permit

the Government Accountability Office to audit the intelligence community. Additionally, the Director of National Intelligence is required to provide a comprehensive report on the use of contractors throughout the intelligence community.

This bill funds the U.S. national security and intelligence programs and objectives that help to keep Americans safe. The bill also helps to ensure that these activities are conducted in a manner consistent with the Constitution and laws of the United States.

I encourage my colleagues to join me today in support of this important bill.

Mr. HOEKSTRA. Madam Speaker, I would like to note for the RECORD my specific objections in several respects with the Fiscal Year 2010 Intelligence Authorization Act ''agreement'' that was passed by the Senate and agreed to by the Administration based on a Staff draft, and that now may come before the House just two days before the end of that fiscal year after repeated delays. The bill is completely unnecessary and moot for the purposes of authorizing intelligence activity; it instead appears intended to force through several controversial provisions as the House approaches a ''lame duck'' session.

While I have repeatedly raised our broader concerns with respect to this legislation in the House and in our formal Minority Views, I felt it important to memorialize what we believe are significant shortcomings and flaws in the current bill, especially with provisions that were not previously included in the House bill. I do not believe that this bill in its current form addresses a number of critical national security issues, and in many respects would fail to empower our intelligence professionals and create significant and unnecessary new bureaucracy and politicization of the intelligence community.

Most significantly, we are concerned with the absence of provisions to address the following critical issues:

Earmarks: The bill removes language from a previous Republican amendment to prohibit the use of funds authorized in the bill for any earmarked purpose, and effectively authorizes earmarks of the Appropriations Committee.

Covert Action Authorities: The bill does nothing to provide safeguards for certain covert action activities that could impact U.S. citizens.

Intelligence Flaws Revealed After Fort Hood Shooting: The bill contains no substantive provisions to address critical information sharing flaws brought to light in the aftermath of the Fort Hood shooting.

Interrogation of High Value Detainees: The bill contains no substantive provisions to make intelligence collection a priority in the interrogation of high value detainees, or to address the complete lack of coordinated decisionmaking with respect to interrogation of high value detainees.

FISA Authorities: The bill does nothing to provide critically needed clarification of authorities under the Foreign Intelligence Surveillance Act.

Guantanamo Detainees: The bill contains no outright prohibition on using intelligence funds to bring Guantanamo Bay detainees into the United States, or to prohibit secret payments to foreign countries using intelligence funds to accept Guantanamo Bay detainees. The conference agreement also omits a Republican amendment—agreed to on a bipartisan basis—to evaluate potential threats from released Uighur detainees.

Administration of Miranda Warnings: The bill omits a Republican amendment—supported on a bipartisan basis in the Committee and in the House—to prohibit giving Miranda warnings to foreign terrorist suspects in foreign countries in order to protect intelligence collection.

In addition, I have concerns with several provisions of the bill that we believe are seriously flawed in several different respects. A number of these provisions are inconsistent with the letter or the spirit of bipartisan agreements reached in the Intelligence Reform and Terrorism Prevention Act of 2004. I believe a number of provisions would unduly and unwisely further grow the intelligence bureaucracy. I believe that other provisions would impinge on the smooth operation of the intelligence community, and that others would interfere with efficient and centralized intelligence oversight as recommended by the 9/11 Commission. Other objectionable provisions do not appear to have been fully or adequately justified, some with potentially significant consequences. The objectionable provisions include, but are not limited to, the following:

Contractor Conversion: While I support appropriate review of the size and nature of the contractor workforce, Section 103 of the bill would provide unlimited authority to add an unlimited number of employees, regardless of any other statutory limitation. This is inconsistent with bipartisan agreements in the House Intelligence Committee with respect to limiting the size of the ODNI.

''A not A'' Funds: Section 101 of the bill would deem any appropriated but unauthorized funding to be authorized. This provision fundamentally cedes the authorization prerogatives of the Intelligence Committees to the Appropriations Committees, and virtually renders moot bipartisan agreements on the funding authorizations contained in the classified annex.

No Classified Annex: The bill omits the classified annex that provides the specific direction to the intelligence community on the conduct of operations and the permissible uses of funds, which had been negotiated on a bipartisan basis.

Unlimited Increases in Employee Compensation: Section 301 of the bill would allow unlimited increases to pay and benefit authorization for any increases authorized by law. Such unrestricted authority effectively renders moot specific authorization levels elsewhere and can be used by the ODNI to circumvent such restrictions for additional unapproved growth. Similarly, Section 303 would permit the DNI to authorize technically unlimited pay for specific positions at his sole discretion. I am not aware of any demonstrated need for such extraordinary authority.

Award of SIS Rank: Section 304 of the bill would permit the Director of National Intelligence to recommend that the President directly award Senior Intelligence Service rank to employees across the intelligence community. This would directly involve the DNI in specific agency personnel matters contrary to the intent of the IRTPA and may foster cronyism and non-merit based promotions of intelligence community personnel.

Temporary Personnel Authorizations for Critical Language Training: Section 306 of the bill would exempt up to 100 ODNI personnel from personnel caps for the purposes of language training. Given the widespread prevalence of persons receiving foreign language training in the intelligence community, I believe this is a thinly veiled authorization to circumvent existing personnel caps, again inconsistent with the intended size and scope of the ODNI and bipartisan agreements within the House Committee on personnel levels within the ODNI.

Education Programs: Sections 311 through 314 of the bill would create or modify a number of education programs in the intelligence community. While I do not necessarily oppose any of these programs, I do not believe that these provisions—most of them permanent—have been adequately explained or justified. I note that previous versions of the bill would have required a study to review and justify such programs, which suggests that others share our concerns that these programs have not yet been fully reviewed. For that provision to be dropped in lieu of outright authorization makes little sense in light of the implicit acknowledgment that further study is needed.

Business System Transformation: Section 322 of the bill would require the DNI to ''develop and implement'' (rather than coordinate) an enterprise architecture to ''cover all intelligence community business systems''. I believe this provision is inconsistent with the role and scope of the ODNI contemplated in the IRTPA.

IP Funded Acquisitions: Section 326 of the bill authorizes the DNI to delegate certain acquisition authorities within the intelligence community. This provision is inconsistent with the express agreement reached in the IRTPA conference not to permit such delegation.

Congressional Notification: Section 331 of the bill continues to cede sole authority to the President to determine which members of the congressional intelligence committees would receive briefings on particularly sensitive intelligence matters. This provision is inconsistent with previous bipartisan agreements reached in the House Committee, and fails entirely to protect the Constitutional prerogative of the Congress to make its own rules of proceedings. It would have little meaningful effect and appears to provide political cover at the expense of real reform in this critical area.

GAO Review: Section 348 of the bill also contains a provision that requires the Executive Branch to promulgate guidelines for dealing with GAO reviews of intelligence community programs. I believe that this provision is unwise for a number of reasons. Most notably, it potentially cedes significant elements of the traditional oversight role of the intelligence committees to the GAO and potentially to other Committees of the Congress, and it fails to adequately protect the security and dissemination of classified work product under the same terms as the Committee rules. In addition, this specific provision cedes to the Executive Branch and the Comptroller General the determination of how to manage GAO inquiries that should be directed by Members of Congress.

Report on Intelligence Community Contractors: Section 339 of the bill would improperly require reports on sensitive intelligence collection matters—including covert action programs—to be provided to the Armed Services committees, contrary to the Rules of the House. Several other provisions of the bill also require reports on intelligence matters to be submitted to Committees that may not have jurisdiction over the material to be reported on.

Reprogramming Standard: Section 362 of the bill would modify the reprogramming standard for intelligence activities in a manner that would render it virtually meaningless. This change is contrary to the express

bipartisan agreement reached in the Intelligence Reform and Terrorism Prevention Act conference.

Declassification of Intelligence Budget Topline: Section 364 provides for permanent declassification of the intelligence budget topline. This provision serves no demonstrable intelligence purpose, and is contrary to the express bipartisan agreement reached in the Intelligence Reform and Terrorism Prevention Act conference.

Review Authority of the Public Interest Declassification Board: Section 365 would allow any individual member of certain committees to request declassification review of certain records. This provision is contrary to the express bipartisan agreement reached in the Intelligence Reform and Terrorism Prevention Act conference to restrict such requests.

Accountability Reviews: Section 401 of the bill would authorize the DNI or the congressional intelligence committees to directly conduct or request accountability reviews of individual intelligence community personnel. This provision would involve the DNI in individual personnel matters within intelligence agencies in a manner inconsistent with the authorities contemplated in the IRTPA.

Inspector General of the Intelligence Community: While I do not necessarily oppose the concept of greater coordination by the DNI of intelligence community inspectors general, Section 405 of the bill is a massive and unduly prescriptive provision that is inconsistent with the contemplated size and scope of the ODNI and in many respects duplicates existing oversight by Department inspectors general.

Inspector General of the Central Intelligence Agency: Similarly, I have significant concern that Section 425 of the bill is unduly prescriptive and burdensome with respect to the organization and management of the office of the Inspector General of the Central Intelligence Agency.

Defense Inspector General Matters: Section 431 of the bill would authorize the Secretary of Defense to prohibit certain inspector general reviews of intelligence matters within the intelligence community. I see no apparent justification for this provision, which we believe could potentially interfere with the independence of the intelligence community and may be inconsistent with the intention of the IRTPA.

Confirmation of Heads of Certain Components of the Intelligence Community: Section 432 of the bill would require Senate confirmation of the heads of certain IC agencies. This provision threatens to politicize such positions, which are often held by career military officers, and could impede the efficient functioning of these agencies in times of vacancy.

FBI Relocation and Retention Bonuses: Section 443 of the bill would provide certain authorities relating to relocation and retention bonuses for the entire Federal Bureau of Investigation—not just employees funded by the National Intelligence Program. Such a broad provision is outside the Committee's jurisdiction, has not been justified to the Committee, and has not been reviewed for consistency across the Intelligence Community and federal law enforcement. While I strongly support line personnel of the FBI, we believe that this provision must be more carefully reviewed and harmonized with personnel practices in other intelligence and law enforcement agencies. Similarly, we believe that section 444, which extends authority to delay certain FBI mandatory retirements must be better reviewed, especially for its implications for federal law enforcement retirement, which is intended to promote a young and vigorous workforce and should be applied consistently across federal law enforcement agencies.

Mr. THOMPSON of California. Madam Speaker, I rise in support of H.R. 2701.

As Chairman of the Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence, I am pleased that today we can discuss the merits and qualities of this much needed, and long overdue, legislation. This bill will support critical U.S. intelligence capabilities, enhance congressional oversight, and improve accountability across the Intelligence Community.

In addition to modifying congressional notification procedures for covert actions and providing a framework to allow GAO access to the Intelligence Community, this legislation also contains several important reporting requirements.

Specifically, H.R. 2701 includes a reporting requirement related to the Intelligence Community's involvement in detention and interrogation activities. This report will assist in improving the effectiveness of interrogations and prevent the repeat of past abuses by directing the Director of National Intelligence to revisit training policies and procedures for interrogators, as well as evaluate current scientific research on the conduct of interrogations.

Another provision requires the newly created Inspector General of the Intelligence Community to study the electronic waste disposal practices of the IC. This provision serves a dual purpose: to protect our environment and our national security.

The language directs the IC/IG to assess both the environmental impact of disposal practices and the steps taken to ensure that discarded devices do not contain sensitive information that can be exploited by our adversaries.

Madam Speaker, this legislation is long overdue and will enhance the capabilities of the Intelligence Community and make our nation safer. I urge my colleagues to support this bill.

Mr. KUCINICH. Madam Speaker, I support the dedicated public servants of our intelligence community and commend their efforts to ensure our national security. However, I must oppose the Motion to Concur in the Senate Amendment to H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010.

I continue to grow concerned that covert intelligence activities may constitute violations of the Constitution and that they severely undermine the rule of law. I am further concerned that these activities are conducted with total impunity. This legislation includes provisions to establish mechanisms of accountability over operations conducted by the intelligence community. I support those provisions. However, the compromise language included in this bill further weakens already weak disclosure requirements. More importantly, the provisions meant to address a lack of accountability included in this bill will do nothing to control intelligence activities that are tantamount to war.

It was reported in The Washington Post this week that the Central Intelligence Agency (CIA) has deployed a covert ''well-armed 3,000-member Afghan paramilitary force'' that is used for ''surveillance, raids and combat operations in Afghanistan. The senior official quoted in the article admits that these teams are also ''crucial to the United States' secret war in Pakistan.'' In addition to this troubling revelation, the CIA has conducted over 20 drone attacks in Pakistan just this month. Philip Alston, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has called on the United States to comply with international rule of law and disclose the criteria for individuals that may be targeted, how the government ensures the drone attacks are legal, and the nature of the follow-up the government conducts when civilians are killed. Thus far, the Administration has failed to provide any of this information.

These actions severely undermine the rule of law and our moral standing in the world. We only stand to gain more enemies if we continue to conduct seemingly indiscriminate drone attacks in a country with whom we are not at war. We can only further diminish our national security with our war in Afghanistan, which includes significant covert intelligence operations.

This legislation will not quell the intelligence activities that urgently require reform. If this bill allows intelligence agencies to continue covert wars in Afghanistan, Pakistan and even Yemen, I cannot support this bill. I oppose this legislation and urge my colleagues to do the same.

Mr. SMITH of Washington. Madam Speaker, as a member of the House Permanent Select Committee on Intelligence, I support the passage of H.R. 2071, the Intelligence Authorization for Fiscal Year 2010. This important legislation addresses many critical issues for our intelligence community and provides essential resources for the men and women of the intelligence community to do the hard work to combat our ever emerging threats. It provides necessary guidance and oversight, especially in key areas of notification and accountability to Congress. I am also very pleased about the improvements made in several key areas of importance to our national security including counterterrorism, acquisition reform, cybersecurity, and satellites.

H.R. 2071 advances our counterterrorism work by strengthening the ability of the National Counterterrorism Center to share information with State and local law enforcement officials without the risk of that information being exposed. The bill also ensures that Congress continues to receive reporting on intelligence concerning terrorist financial assets.

Mirroring the crucial cost control work my colleagues and I implemented in the House Armed Services Committee, this measure includes a number of provisions that bring our Intelligence community acquisition procedures closer in line with recently enacted Department of Defense acquisition reforms. These represent signifilant reforms to the way the intelligence community conducts acquisitions. Among other things, the provisions would create a notification system similar to the Department of Defense's ''Nunn-McCurdy'' system, which requires the community to report to Congress and restructure programs when costs for major systems grow beyond established thresholds.

The bill also makes important strides toward securing our cyber resources. The Intelligence community needs the ability to stop threats posed by hackers, cyber-criminals, and hostile governments. Our Intelligence community must be able to respond to these cyber threats quickly and with our best technologies.

H.R. 2071 increases resources for critical cybersecurity programs to protect vulnerable infrastructure and requires reporting on the effectiveness of current cyber-threat information sharing and distribution.

Finally, this bill makes important investments to maintain current satellite manufacturing capabilities and encourages the Intelligence community to continue to work with the commercial imagery industry.

The Fiscal Year 2010 Intelligence Authorization Act advances a number of issues critical to protecting our national security and will improve the ability of our intelligence community to do the hard work to keep our nation safe. As the first Intelligence Authorization bill in six years, this legislation makes essential reforms and provides vital tools that apply not just to Fiscal Year 2010 but continue for years to come.

Mr. REYES. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 2701 is postponed.

COIN MODERNIZATION, OVERSIGHT, AND CONTINUITY ACT OF 2010

Mr. WATT. Madam Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the bill (H.R. 6162) to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6162

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 ''Coin Modernization, Oversight, and Continuity Act of 2010''.

SEC. 2. AUTHORITY TO CONDUCT RESEARCH AND DEVELOPMENT ON ALL CIRCULATING COINS.

(a) IN GENERAL.—To accomplish the goals of this Act and the requirements of subchapter II of chapter 51 of title 31, United States Code, the Secretary of the Treasury may—

(1) conduct any appropriate testing of appropriate coinage metallic materials within or outside of the Department of the Treasury; and

(2) solicit input from or otherwise work in conjunction with entities within or outside of the Federal Government including independent research facilities or current or potential suppliers of the metallic material used in volume production of circulating coins,

to complete the report referred to in this Act and to develop, evaluate or begin the use of new metallic materials for such production.

(b) FACTORS TO BE CONSIDERED.—In the conduct of research, development, and the solicitation of input or work in conjunction with entities within and outside the Federal Government, and in reporting to the Congress with recommendations, as required by this Act, the Secretary of the Treasury shall consider the following:

(1) Factors relevant to the potential impact of any revisions to the composition of the material used in coin production on the current coinage material suppliers.

(2) Factors relevant to the ease of use and ability to co-circulate of new coinage materials, including the effect on vending machines and commercial coin processing equipment and making certain, to the greatest extent practicable, that any new coins work without interruption in existing coin acceptance equipment without modification.

(3) Such other factors that the Secretary of the Treasury, in consultation with merchants who would be affected by any change in the composition of circulating coins, vending machine and other coin acceptor manufacturers, vending machine owners and operators, transit officials, municipal parking officials, depository institutions, coin and currency handlers, armored-car operators, car wash operators, and American-owned manufacturers of commercial coin processing equipment, considers to be appropriate and in the public interest, after notice and opportunity for comment.

SEC. 3. BIENNIAL REPORT TO THE CONGRESS ON THE CURRENT STATUS OF COIN PRODUCTION COSTS AND ANALYSIS OF ALTERNATIVE CONTENT.

(a) REPORT REQUIRED.—Before the end of the 2-year period beginning on the date of the enactment of this Act, and at 2-year intervals following the end of such period, the Secretary of the Treasury shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate analyzing production costs for each circulating coin, cost trends for such production, and possible new metallic materials or technologies for the production of circulating coins.

(b) DETAILED RECOMMENDATIONS.—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury shall include detailed recommendations for any appropriate changes to the metallic content of circulating coins in such a form that the recommendations could be enacted into law as appropriate.

(c) IMPROVED PRODUCTION EFFICIENCY.—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury shall include recommendations for changes in the methods of producing coins that would further reduce the costs to produce circulating coins, and include notes on the legislative changes that are necessary to achieve such goals.

(d) MINIMIZING CONVERSION COSTS.—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury, to the greatest extent possible, may not include any recommendation for new specifications for producing a circulating coin that would require any significant change to coin-accepting and coin-handling equipment to accommodate changes to all circulating coins simultaneously.

(e) FRAUD PREVENTION.—The reports required under this section shall make no recommendation for a specification change that would facilitate or allow the use of a coin with a lesser value produced, minted, or issued by another country, or the use of any token or other easily or regularly produced metal device of minimal value, in the place of a circulating coin produced by the Secretary.

(f) RULE OF CONSTRUCTION.—No provision of this Act shall be construed as requiring that additional research and development be conducted for any report under this Act but any such report shall include information on any such research and development during the period covered by the report.

SEC. 4. MEETING DEMAND FOR SILVER NUMISMATIC ITEMS.

Section 5112(e) of title 31, United States Code is amended by striking ''quantities'' and inserting ''qualities and quantities that the Secretary determines are''.

SEC. 5. TECHNICAL CORRECTIONS.

Section 5112 of title 31, United States Code is amended—

(1) in subsection (e), by inserting ''qualities and'' before ''quantities'';

(2) in subsection (i)(1), by inserting ''qualities and'' before ''quantities''; and

(3) in subsection (u)(1)—

(A) by striking ''exact duplicates'' and inserting ''likenesses'';

(B) by striking subparagraph (C);

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

(D) in subparagraph (A), by striking ''of 3.0 inches'' and inserting ''determined by the Secretary that is no less than 2.5 inches and no greater than 3.0 inches''.

AMENDMENT OFFERED BY MR. WATT

Mr. WATT. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coin Modernization, Oversight, and Continuity Act of 2010''.

SEC. 2. AUTHORITY TO CONDUCT RESEARCH AND DEVELOPMENT ON ALL CIRCULATING COINS.

(a) IN GENERAL.—To accomplish the goals of this Act and the requirements of subchapter II of chapter 51 of title 31, United States Code, the Secretary of the Treasury may—

(1) conduct any appropriate testing of appropriate coinage metallic materials within or outside of the Department of the Treasury; and

(2) solicit input from or otherwise work in conjunction with entities within or outside of the Federal Government including independent research facilities or current or potential suppliers of the metallic material used in volume production of circulating coins,

to complete the report referred to in this Act and to develop and evaluate the use of new metallic materials.

(b) FACTORS TO BE CONSIDERED.—In the conduct of research, development, and the solicitation of input or work in conjunction with entities within and outside the Federal Government, and in reporting to the Congress with recommendations, as required by this Act, the Secretary of the Treasury shall consider the following:

(1) Factors relevant to the potential impact of any revisions to the composition of the material used in coin production on the current coinage material suppliers.

(2) Factors relevant to the ease of use and ability to co-circulate of new coinage materials, including the effect on vending machines and commercial coin processing equipment and making certain, to the greatest extent practicable, that any new coins work without interruption in existing coin acceptance equipment without modification.

(3) Such other factors that the Secretary of the Treasury, in consultation with merchants

who would be affected by any change in the composition of circulating coins, vending machine and other coin acceptor manufacturers, vending machine owners and operators, transit officials, municipal parking officials, depository institutions, coin and currency handlers, armored-car operators, car wash operators, and American-owned manufacturers of commercial coin processing equipment, considers to be appropriate and in the public interest, after notice and opportunity for comment.

SEC. 3. BIENNIAL REPORT TO THE CONGRESS ON THE CURRENT STATUS OF COIN PRODUCTION COSTS AND ANALYSIS OF ALTERNATIVE CONTENT.

(a) REPORT REQUIRED.—Before the end of the 2-year period beginning on the date of the enactment of this Act, and at 2-year intervals following the end of such period, the Secretary of the Treasury shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate analyzing production costs for each circulating coin, cost trends for such production, and possible new metallic materials or technologies for the production of circulating coins.

(b) DETAILED RECOMMENDATIONS.—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury shall include detailed recommendations for any appropriate changes to the metallic content of circulating coins in such a form that the recommendations could be enacted into law as appropriate.

(c) IMPROVED PRODUCTION EFFICIENCY.—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury shall include recommendations for changes in the methods of producing coins that would further reduce the costs to produce circulating coins, and include notes on the legislative changes that are necessary to achieve such goals.

(d) MINIMIZING CONVERSION COSTS.—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury, to the greatest extent possible, may not include any recommendation for new specifications for producing a circulating coin that would require any significant change to coin-accepting and coin-handling equipment to accommodate changes to all circulating coins simultaneously.

(e) FRAUD PREVENTION.—The reports required under this section shall make no recommendation for a specification change that would facilitate or allow the use of a coin with a lesser value produced, minted, or issued by another country, or the use of any token or other easily or regularly produced metal device of minimal value, in the place of a circulating coin produced by the Secretary.

(f) RULE OF CONSTRUCTION.—No provision of this Act shall be construed as requiring that additional research and development be conducted for any report under this Act but any such report shall include information on any such research and development during the period covered by the report.

SEC. 4. MEETING DEMAND FOR SILVER AND GOLD NUMISMATIC ITEMS.

Subsections (e) and (i) of section 5112 of title 31, United States Code are each amended by striking ''quantities'' and inserting ''qualities and quantities that the Secretary determines are''.

SEC. 5. TECHNICAL CORRECTIONS.

Section 5112(u)(1) of title 31, United States Code is amended—

(1) by striking ''exact duplicates'' and inserting ''likenesses'';

(2) by striking subparagraph (C);

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

(4) in subparagraph (A), by striking ''of 3.0 inches'' and inserting ''determined by the Secretary that is no less than 2.5 inches and no greater than 3.0 inches''.

SEC. 6. BUDGETARY EFFECT.

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.

Mr. WATT (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read.

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

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1950

AMERICAN EAGLE PALLADIUM BULLION COIN ACT OF 2010

Mr. WATT. Madam Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the bill (H.R. 6166) to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6166

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 ''American Eagle Palladium Bullion Coin Act of 2010''.

SEC. 2. PALLADIUM COIN.

Section 5112 of title 31, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph;

''(12) A $25 coin of an appropriate size and thickness, as determined by the Secretary, that weighs 1 troy ounce and contains .9995 fine palladium.''; and

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

''(v) PALLADIUM BULLION INVESTMENT COINS.—

''(1) IN GENERAL.—Subject to the submission to the Secretary and the Congress of a marketing study described in paragraph (8), beginning not more than 6 months after the submission of the study to the Secretary and the Congress, the Secretary shall mint and issue the palladium coins described in paragraph (12) of subsection (a) in such quantities as the Secretary may determine to be appropriate to meet demand.

''(2) SOURCE OF BULLION.—

''(A) IN GENERAL.—The Secretary shall acquire bullion for the palladium coins issued under this subsection by purchase of palladium mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined. If no such palladium is available or if it is not economically feasible to obtain such palladium, the Secretary may obtain palladium for the palladium coins described in paragraph (12) of subsection (a) from other available sources.

''(B) PRICE OF BULLION.—The Secretary shall pay not more than the average world price for the palladium under subparagraph (A).

''(3) SALE OF COINS.—Each coin issued under this subsection shall be sold for an amount the Secretary determines to be appropriate, but not less than the sum of—

''(A) the market value of the bullion at the time of sale; and

''(B) the cost of designing and issuing the coins, including labor, materials, dies, use of machinery, overhead expenses, marketing, distribution, and shipping.

''(4) TREATMENT.—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

''(5) QUALITY.—The Secretary may issue the coins described in paragraph (1) in both proof and uncirculated versions, except that, should the Secretary determine that it is appropriate to issue proof or uncirculated versions of such coin, the Secretary shall, to the greatest extent possible, ensure that the surface treatment of each year's proof or uncirculated version differs in some material way from that of the preceding year.

''(6) DESIGN.—Coins minted and issued under this subsection shall bear designs on the obverse and reverse that are close likenesses of the work of famed American coin designer and medallic artist Adolph Alexander Weinman—

''(A) the obverse shall bear a high-relief likeness of the 'Winged Liberty' design used on the obverse of the so-called 'Mercury dime';

''(B) the reverse shall bear a high-relief version of the reverse design of the 1907 American Institute of Architects medal; and

''(C) the coin shall bear such other inscriptions, including 'Liberty', 'In God We Trust', 'United States of America', the denomination and weight of the coin and the fineness of the metal, as the Secretary determines to be appropriate and in keeping with the original design.

''(7) MINT FACILITY.—Any United States mint, other than the United States Mint at West Point, New York, may be used to strike coins minted under this subsection other than any proof version of any such coin. If the Secretary determines that it is appropriate to issue any proof version of such coin, coins of such version shall be struck only at the United States Mint at West Point, New York.

''(8) MARKETING STUDY DEFINED.—The market study described in paragraph (1) means an analysis of the market for palladium bullion investments conducted by a reputable, independent third party that demonstrates that there would be adequate demand for palladium bullion coins produced by the United States Mint to ensure that such coins could be minted and issued at no net cost to taxpayers.''.

AMENDMENT OFFERED BY MR. WATT

Mr. WATT. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Eagle Palladium Bullion Coin Act of 2010''.

SEC. 2. PALLADIUM COIN.

Section 5112 of title 31, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph;

''(12) A $25 coin of an appropriate size and thickness, as determined by the Secretary, that weighs 1 troy ounce and contains .9995 fine palladium.''; and

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

''(v) PALLADIUM BULLION INVESTMENT COINS.—

''(1) IN GENERAL.—Subject to the submission to the Secretary and the Congress of a marketing study described in paragraph (8), beginning not more than 1 year after the submission of the study to the Secretary and the Congress, the Secretary shall mint and issue the palladium coins described in paragraph (12) of subsection (a) in such quantities as the Secretary may determine to be appropriate to meet demand.

''(2) SOURCE OF BULLION.—

''(A) IN GENERAL.—The Secretary shall acquire bullion for the palladium coins issued under this subsection by purchase of palladium mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined. If no such palladium is available or if it is not economically feasible to obtain such palladium, the Secretary may obtain palladium for the palladium coins described in paragraph (12) of subsection (a) from other available sources.

''(B) PRICE OF BULLION.—The Secretary shall pay not more than the average world price for the palladium under subparagraph (A).

''(3) SALE OF COINS.—Each coin issued under this subsection shall be sold for an amount the Secretary determines to be appropriate, but not less than the sum of—

''(A) the market value of the bullion at the time of sale; and

''(B) the cost of designing and issuing the coins, including labor, materials, dies, use of machinery, overhead expenses, marketing, distribution, and shipping.

''(4) TREATMENT.—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

''(5) QUALITY.—The Secretary may issue the coins described in paragraph (1) in both proof and uncirculated versions, except that, should the Secretary determine that it is appropriate to issue proof or uncirculated versions of such coin, the Secretary shall, to the greatest extent possible, ensure that the surface treatment of each year's proof or uncirculated version differs in some material way from that of the preceding year.

''(6) DESIGN.—Coins minted and issued under this subsection shall bear designs on the obverse and reverse that are close likenesses of the work of famed American coin designer and medallic artist Adolph Alexander Weinman—

''(A) the obverse shall bear a high-relief likeness of the 'Winged Liberty' design used on the obverse of the so-called 'Mercury dime';

''(B) the reverse shall bear a high-relief version of the reverse design of the 1907 American Institute of Architects medal; and

''(C) the coin shall bear such other inscriptions, including 'Liberty', 'In God We Trust', 'United States of America', the denomination and weight of the coin and the fineness of the metal, as the Secretary determines to be appropriate and in keeping with the original design.

''(7) MINT FACILITY.—Any United States mint, other than the United States Mint at West Point, New York, may be used to strike coins minted under this subsection other than any proof version of any such coin. If the Secretary determines that it is appropriate to issue any proof version of such coin, coins of such version shall be struck only at the United States Mint at West Point, New York.

''(8) MARKETING STUDY DEFINED.—The market study described in paragraph (1) means an analysis of the market for palladium bullion investments conducted by a reputable, independent third party that demonstrates that there would be adequate demand for palladium bullion coins produced by the United States Mint to ensure that such coins could be minted and issued at no net cost to taxpayers.''.

SEC. 3. BUDGETARY EFFECT.

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.

Mr. WATT (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read.

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

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WATT. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 6162 and H.R. 6166.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

PLAIN WRITING ACT OF 2010

Mr. CLAY. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 946) to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Amendments:

On page 2, line 17, strike ''relevant to'' and insert ''necessary for''.

On page 3, strike lines 5 through 9 and insert the following:

(3) PLAIN WRITING.—The term ''plain writing'' means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience.

On page 4, line 2, after ''website'' insert ''as required under paragraph (2)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

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

There was no objection.

Mr. CLAY. I yield myself such time as I may consume.

H.R. 946, the Plain Writing Act of 2010, was introduced by Representative BRUCE BRALEY on February 10, 2009, and it passed the House by an overwhelming margin on March 17, 2010. The Senate made slight amendments to the bill and passed it by unanimous consent earlier this week.

This is straightforward, good-government legislation. H.R. 946 requires agencies to use plain writing in government documents.

The organization, AARP, wrote a letter supporting this bill, and I quote:

''The use of plain language in documents issued to the public will save the Federal Government an enormous amount of time now spent helping citizens understand the correspondence they receive.''

The changes made to the bill by the Senate are very minor, including adding language clarifying that plain writing should be appropriate to the subject or field and intended audience.

This bill will make the government more transparent and efficient, and I urge my colleagues to join me in support of the Senate amendments to H.R. 946.

Madam Speaker, I reserve the balance of my time.

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

I rise today in opposition to H.R. 946, the Plain Writing Act of 2010.

Madam Speaker, we all want Federal agencies to communicate information about benefits and services in plain language. Overly bureaucratic language can confuse the public and prevent individual citizens from receiving benefits and services Congress intended to provide them. If we could get government agencies to write in plain language by issuing a congressional fiat, this problem would have been solved, I am sure, a long time ago. This bill is unlikely to accomplish its purpose, but

it is likely to incur a cost of about $5 million annually, according to the Congressional Budget Office. This is the heart of my concern.

The bill directs senior agency officials to make certain that the agency is communicating clearly with the public. Federal employees are to be trained to write plainly, and documents produced by the agency are to be drafted using writing that follows ''best practices appropriate to the subject or field and intended audience.'' Thus, even the bill's definition of the term ''plain writing'' is not necessarily clear.

Madam Speaker, at a time of record budget deficits and amid our Federal Government's fiscal woes, we should not be spending another $5 million to direct the Federal Government to do something that it should already be doing. Federal agencies that deal with the public should obviously be communicating the benefits and services they provide in clear, understandable language. It should not require legislation to accomplish that goal, and it is not clear how the legislation would actually achieve that. Federal agencies already receive funds to communicate about their programs and throwing more money at the problem is unlikely to improve the situation.

I urge Members to oppose H.R. 946.

I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I would now like to yield 5 minutes to the chief sponsor of this legislation, the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. I thank my friend from Missouri for yielding to me.

In February of 2009, I introduced the Plain Writing Act, and I rise today to talk about the responsibility of this government to communicate effectively with its citizens.

I know that lawyers are often blamed for the legalese that makes government documents so difficult to read and understand, so some might find it unusual that this ''plain language'' bill was introduced by someone who practiced law for 23 years before being elected to Congress. They might be surprised to learn that the use of clear, concise language in communications has been a passion of mine since I started practicing in 1983, when the Iowa Supreme Court adopted plain language guidelines for use in its jury instructions. Since that time, I've been speaking and writing about the importance of using plain language to improve both written and spoken communications.

I was proud to introduce the Plain Writing Act, a bill that requires the Federal Government to write documents such as letters from the Social Security Administration or a notice from the Department of Veterans Affairs in simple, easy-to-understand language. I first introduced this bill last Congress and was proud when it passed the House floor earlier this year with overwhelming support. In fact, this same bill passed by a vote of 376–1 on April 14, 2008, and by a vote of 386–33 on March 17, 2010. Yesterday it passed the Senate unanimously.

I want to thank Oversight and Government Reform Chairman ED TOWNS and Ranking Member DARRELL ISSA for their support of this important legislation. I also want to thank Senator BENNETT from Utah, Senator VOINOVICH from Ohio and Senator AKAKA from Hawaii for working together in a bipartisan manner to get the Senate to pass this important bill.

Anyone who's done their own taxes knows the headache of trying to understand pages and pages of confusing forms and instructions. There is absolutely no reason for the Federal Government not to write these tax documents and other public documents in language we can all understand. Yet despite the objections of my friend from Utah, the Federal Government, no matter who's in charge, has always had a problem with this accountability.

Writing documents in plain language will increase government accountability and save Americans time and money. Plain, straightforward language makes it easier for taxpayers to understand what the Federal Government is doing and what services it's offering. Small businesses will see substantial benefits from eliminating Federal gobbledygook.

□ 2000

Often small businesses have to hire lawyers and accountants to help them navigate the maze of Federal paperwork and convoluted language. The National Federation of Independent Business estimates that the average per hour cost of paperwork and recordkeeping for small businesses is $48.72. The use of clear, easy-to-understand language in government paperwork will substantially reduce burdens on small businesses and save taxpayers millions of dollars.

The Plain Writing Act will require the Federal Government to use plain communications, forms, and public distributed documents, writing in a clear, concise, well-organized manner that follows the best practices of plain language writing.

Using these complex forms, letters, and notices imposes unnecessary hardships on American citizens, and replacing them with plain language will improve service to the public, save time that agencies currently spend answering questions about what documents mean, and make it easier to hold agencies accountable for their work.

I know this bill will make it easier for Americans and small businesses to work and understand their government.

I want to thank all of my colleagues on both sides of the aisle who join me today in standing up for plain language and plain writing and standing up for effective communication with our constituents and standing up for small business owners and in standing up for the taxpayers who, despite the CBO estimate of the short-term cost, will see substantial savings as we reduce the time that Federal agencies spend responding to requests for information.

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

I have the greatest respect for Chairman CLAY and for Congressman BRALEY. I think their goals and intentions, the stated objective is admirable. It is laudable. It's something I'm sure we can all agree with. We should be writing in plain, clear language.

There are two challenges. The thing that just makes me smile about this is that this language was put together. It passed in the House. It goes over to the Senate. The Senate comes back and says your definition of plain language is not clear. In fact, they came back—and this is what it says right in the bill that they sent back to us, the term, quote, plain writing, end quote, means writing that is clear, and then it continues on. This is not necessarily going to solve the problem. This is not going to solve the problem.

And yet in a time of record budget deficits, we're 13-plus trillion dollars in debt. We're spending $5- to $600 million a day just in interest on that debt. This bill suggests and authorizes that we're going to authorize $50 million over the next 10 years, $50 million to say, Go write in plain language.

Well, let's be plain and let's be clear. We've got a debt crisis in this country. That's plain. It is clear. We all understand it. Our Federal Government should not be spending $50 million over 10 years directing agencies to say, Write more plain, clear language. Why they need $5 million a year to try to implement this is beyond me, but enough is enough. We cannot afford this.

Tell and direct and insist that every agency and every document be instituted in plain, clear language, and if the head of that agency can't achieve that goal, then they should fire somebody and get somebody who can do that.

There is no definition in the bill of what clear and plain writing is. To say that it is clear does not solve the problem, and so the Federal Government, every time it runs into trouble, what does it do? Let's throw more money at it. We can't afford $50 million over the next 10 years to write plain language. That's plain. That's clear. And that's why we should oppose this bill.

I have no additional speakers, and I yield back the balance of my time.

Mr. CLAY. Madam Speaker, again, I encourage all Members to support the Senate amendments to H.R. 946, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 946.

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. CHAFFETZ. 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.

SECURE AND RESPONSIBLE DRUG DISPOSAL ACT OF 2010

Mr. INSLEE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 3397) to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Secure and Responsible Drug Disposal Act of 2010''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The nonmedical use of prescription drugs is a growing problem in the United States, particularly among teenagers.

(2) According to the Department of Justice's 2009 National Prescription Drug Threat Assessment—

(A) the number of deaths and treatment admissions for controlled prescription drugs (CPDs) has increased significantly in recent years;

(B) unintentional overdose deaths involving prescription opioids, for example, increased 114 percent from 2001 to 2005, and the number of treatment admissions for prescription opioids increased 74 percent from 2002 to 2006; and

(C) violent crime and property crime associated with abuse and diversion of CPDs has increased in all regions of the United States over the past 5 years.

(3) According to the Office of National Drug Control Policy's 2008 Report ''Prescription for Danger'', prescription drug abuse is especially on the rise for teens—

(A) one-third of all new abusers of prescription drugs in 2006 were 12- to 17-year-olds;

(B) teens abuse prescription drugs more than any illicit drug except marijuana—more than cocaine, heroin, and methamphetamine combined; and

(C) responsible adults are in a unique position to reduce teen access to prescription drugs because the drugs often are found in the home.

(4)(A) Many State and local law enforcement agencies have established drug disposal programs (often called ''take-back'' programs) to facilitate the collection and destruction of unused, unwanted, or expired medications. These programs help get outdated or unused medications off household shelves and out of the reach of children and teenagers.

(B) However, take-back programs often cannot dispose of the most dangerous pharmaceutical drugs—controlled substance medications—because Federal law does not permit take-back programs to accept controlled substances unless they get specific permission from the Drug Enforcement Administration and arrange for full-time law enforcement officers to receive the controlled substances directly from the member of the public who seeks to dispose of them.

(C) Individuals seeking to reduce the amount of unwanted controlled substances in their household consequently have few disposal options beyond discarding or flushing the substances, which may not be appropriate means of disposing of the substances. Drug take-back programs are also a convenient and effective means for individuals in various communities to reduce the introduction of some potentially harmful substances into the environment, particularly into water.

(D) Long-term care facilities face a distinct set of obstacles to the safe disposal of controlled substances due to the increased volume of controlled substances they handle.

(5) This Act gives the Attorney General authority to promulgate new regulations, within the framework of the Controlled Substances Act, that will allow patients to deliver unused pharmaceutical controlled substances to appropriate entities for disposal in a safe and effective manner consistent with effective controls against diversion.

(6) The goal of this Act is to encourage the Attorney General to set controlled substance diversion prevention parameters that will allow public and private entities to develop a variety of methods of collection and disposal of controlled substances, including some pharmaceuticals, in a secure, convenient, and responsible manner. This will also serve to reduce instances of diversion and introduction of some potentially harmful substances into the environment.

SEC. 3. DELIVERY OF CONTROLLED SUBSTANCES BY ULTIMATE USERS FOR DISPOSAL.

(a) REGULATORY AUTHORITY.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following:

''(g)(1) An ultimate user who has lawfully obtained a controlled substance in accordance with this title may, without being registered, deliver the controlled substance to another person for the purpose of disposal of the controlled substance if—

''(A) the person receiving the controlled substance is authorized under this title to engage in such activity; and

''(B) the disposal takes place in accordance with regulations issued by the Attorney General to prevent diversion of controlled substances.

''(2) In developing regulations under this subsection, the Attorney General shall take into consideration the public health and safety, as well as the ease and cost of program implementation and participation by various communities. Such regulations may not require any entity to establish or operate a delivery or disposal program.

''(3) The Attorney General may, by regulation, authorize long-term care facilities, as defined by the Attorney General by regulation, to dispose of controlled substances on behalf of ultimate users who reside, or have resided, at such long-term care facilities in a manner that the Attorney General determines will provide effective controls against diversion and be consistent with the public health and safety.

''(4) If a person dies while lawfully in possession of a controlled substance for personal use, any person lawfully entitled to dispose of the decedent's property may deliver the controlled substance to another person for the purpose of disposal under the same conditions as provided in paragraph (1) for an ultimate user.''.

(b) CONFORMING AMENDMENT.—Section 308(b) of the Controlled Substances Act (21 U.S.C. 828(b)) is amended—

(1) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(2) by adding at the end the following:

''(3) the delivery of such a substance for the purpose of disposal by an ultimate user, long-term care facility, or other person acting in accordance with section 302(g).''.

SEC. 4. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements to ensure that the guidelines and policy statements provide an appropriate penalty increase of up to 2 offense levels above the sentence otherwise applicable in Part D of the Guidelines Manual if a person is convicted of a drug offense resulting from the authorization of that person to receive scheduled substances from an ultimate user or long-term care facility as set forth in the amendments made by section 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. INSLEE) and the gentleman from Pennsylvania (Mr. PITTS) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. INSLEE. 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 gentleman from Washington?

There was no objection.

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

Madam Speaker, I rise today in strong support of S. 3397, as amended, the Secure and Responsible Drug Disposal Act of 2010. This bill is our effort to respond to the very rapidly rising rate of prescription drug abuse in our country where 2,500 teens a day are using prescription drugs illegally for the first time. And this bill will help, we think, significantly in helping remove prescription drugs from the illicit drug pipeline by giving citizens an ability to get rid of their drugs, their prescription drugs, in a legal fashion so that communities can fashion a way to create drug take-back programs so citizens can get rid of their unnecessary and no longer useful prescription drugs.

The House has previously passed a version. We have made some improvements to the bill after it went through the Senate. I just want to note some of those improvements.

Today, when people do not have ready access to drug disposal programs, they often flush them down, and drugs ultimately end up in the waterways. In order to ensure that the drug take-back programs that we fashion under this bill are environmentally sound, it's important that the Attorney General consider the environmental impacts of take-back programs and work with the Environmental Protection Agency and communities on appropriate ways to dispose of the collected

substance in an environmentally sound manner. We also have provided ways to make sure communities are engaged in designing these programs so that they meet the individual needs of specific communities.

I want to thank all the people who have worked on this bipartisan legislation, particularly Representative STUPAK who is ending his congressional career having done some great work in this regard.

With that, I yield as much time as he may consume to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding, and I rise in support of S. 3397.

Millions of Americans are prescribed narcotics for postoperative pain, bone fractures, and other ailments each year. However, most patients do not consume all the prescriptions they are prescribed. These drugs remain in drug cabinets for years, easily accessible to teens wishing to experiment with drugs.

But failure to dispose of prescription medications properly causes several problems. First, there's the potential for a child to ingest the drugs accidently. Second, we know that teen prescription drug abuse is on the rise. Unused prescriptions in a house are easily accessible to teens wishing to experiment with drugs. Third, there's a potential for narcotics to be abused by the patient or sold to someone else to abuse.

□ 2010

The Controlled Substance Act regulates prescription narcotics through a registration system. Currently there are roughly 1.3 million DEA registrants who are legally allowed to handle or distribute narcotics from the manufacturer to the distributor to the pharmacist to the doctor. However, the Controlled Substance Act currently exempts patients from this registration requirement. This legislation allows individuals to dispose of unused prescription controlled substances to a recipient authorized by the DEA, Drug Enforcement Administration.

The bill also authorizes the Attorney General to promulgate regulations for the lawful disposal of prescription controlled substances by a long-term care facility. S. 3397 also clarifies that the DEA regulations set forth in this legislation may not require any entity to establish a drug take-back program. It's a voluntary program.

I want to thank my friend and colleague JAY INSLEE for all of his hard work on this legislation and his staff over the past years, LAMAR SMITH on the minority side, who worked closely with us, and colleagues on both sides of the aisle and their staff for their hard work and commitment to empower patients to prevent prescription drug abuse, especially amongst young people.

I urge my colleagues to vote in support of this legislation.

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

Madam Speaker, the Secure and Responsible Drug Disposal Act will improve drug take-back programs where pharmacies and others accept unused prescription drugs and dispose of them safely. Prescription drugs provide valuable therapeutic benefits to tens of millions of Americans, from treating disease to improving people's quality of life. However, a segment of our society does not use these medications for therapy but, rather, abuses them for some sort of dangerous high. Many teenagers get their hands on these medications by stealing unused medications from the family's medicine cabinet.

While some pharmacies, States, and localities have established prescription drug take-back programs, these programs may not take back controlled substances due a technical reading of the Controlled Substances Act. By passing this legislation, these programs could help further reduce the likelihood of prescription drugs being diverted to those to whom they were not prescribed.

It is important to note that this bill does not require any entity to establish a drug take-back program. But if a drug take-back program currently operates, it only makes sense to allow that facility to take back controlled drugs like oxycontin as well as noncontrolled prescription drugs.

I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. INSLEE. I reserve the balance of my time.

Mr. PITTS. I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. I thank the gentleman for yielding, and I want to compliment the authors of the legislation in your work on this.

But I would like to point out something before we get too excited about whether we are doing a good thing today. Number one, we are—but what are we leaving on the table? If we are trying to address the issue with regard to prescription drugs and making sure that that drug gets in the hands of the right person and that the drug is safe, there is a bigger issue out there. It is called the drug safety issue and whether America's closed system is truly closed. And what we are leaving on the table is an issue which this Congress has not addressed, and it's JOHN DINGELL's drug safety bill. And not only is it that, its electronic pedigree, red paper pedigree with regard to drug safety, but the biggest one of all, I would say to the Colombian drug cartel, is that you're in the wrong drug business. We have got all the laws imaginable to whack you pretty hard for your cocaine and your marijuana. But the great threat that is occurring right now to America are drugs coming into the country that we know are not safe.

Now, let's do a quick little math because I am leaving Congress, and this is an issue that those of you who are still here, we, as a Nation, you, as legislators, must address this. We have 11 international mail facilities, 11 of them. Our ports of entry. You add UPS at Louisville and FedEx at Memphis, 13. Every day we have on average of 35,000 pharmaceutical packages coming into the international mail facilities. They are coming in because people are getting them on the Internet, and they are going to some drugsave.com out of Canada or whomever. They think it is safe, and they think that that drug is just like what I can get down at my local drugstore, and they order it. And it's coming through illicit, bad operators who are preying on America's sick and elderly.

Every time FDA goes out there and checks, we are finding that, on average, 80 percent of those drugs are either adulterated, knock-off, or they are counterfeit. Now let's do the math: 13 international mail facilities times 35,000 average per day, that gives you 455,000 of these pharmaceutical packages per day, times 365. Now we are in excess of 160 million pharmaceutical packages. We are talking boxes of drugs, not just little ones. We are talking boxes of drugs. And if 80 percent of that number are counterfeit, knock-off, adulterated drugs, we are in excess of 132 million.

Now, of a smaller percentage that the FDA actually finds and discovers, we have a return-to-sender policy. That's why I wanted to address this. Can you believe that? FDA has a return-to-sender policy. So here we are—I compliment you. We are going to say, Okay, if these drugs aren't good, we want to make sure they don't get into the hands of the people that the doctor doesn't want them to. So we are going to say, Let's destroy them. But as a Nation, our FDA has a return-to-sender policy. So when they discover in an international mail facility that the package is adulterated, knock-off, or counterfeit drugs, they don't destroy them. They do not destroy them. They then take that package and send it back to the bad actor. The bad actor must think, America, what a great place. What a great place. I will steal people's money; I will prey on the sick and the elderly; and the American Government will actually send my counterfeit drugs back to me so I can do it again.

So I just want to make this point. Your legislation is absolutely wonderful. But I want to point out, there is a really large problem out there. So before we get too excited that we are doing something really good—and we are but on a much smaller level. Because if we are going to allow millions of people to gain access to these types of drugs, we know that these drugs do not metastasize in the body in the way in which the doctors are intending them to do. And people actually think that the drugs they are taking are exactly what they can get down at CVS

or Walgreens or whatever, and it's not happening.

So my only point I appeal to all of you is, number one, congratulations; number two, we have a really large issue that we need to address in the next Congress. We really do. And let's get our arms around this. I want to congratulate JOHN DINGELL on his drug safety bill. And it's a shame that we actually weren't able to get this done in the committee. Again, my compliments to you. But this is a big issue as a Nation we must address and protect America.

Mr. INSLEE. I just want to thank Senators KLOBUCHAR and CORNYN for their work on this and say this is a good bipartisan effort. We are not done on this, as Mr. BUYER pointed out, but this is a good start. I urge passage.

Mr. INSLEE. I yield back the balance of my time.

Mr. PITTS. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The question is on the motion offered by the gentleman from Washington (Mr. INSLEE) that the House suspend the rules and pass the bill, S. 3397, 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.

N O T I C E

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, WEDNESDAY, SEPTEMBER 29, 2010 *No. 133*

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:

Lord of heaven's armies, we come to You today seeking Your wise guidance. You asked us to embrace Your wisdom, for it is a treasure more precious than silver or gold. Help us to delight in Your sacred word and thrive like trees planted by streams of water. Lord, give us the faith to trust in You with all our hearts and not to lean only on our understanding. Encourage us to be doers of Your Word and not just hearers.

Bless our Senators and all Senate staff members today as they labor for our Nation and its citizens. Bless also those in harm's way and their families, and protect them from the dangers of the sea, land, and air, and from the violence of their enemies.

We pray in Your sovereign 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. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 29, 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.

DANIEL K. INOUYE,
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.

THANKING DR. BARRY C. BLACK

Mr. REID. Mr. President, before we get into the business of the day, I wish to take a minute, while the Chaplain of the Senate is here, Admiral Black, to comment on really a remarkable afternoon. Ted Stevens, who served in the Senate for many decades, was laid to rest yesterday at Arlington National Cemetery. It was strictly a military funeral—caissons came down the hill, the casket was over the grave.

The only speaking at the event was from the Senate Chaplain. It was very good, very spiritual. The setting was wonderful. It was a beautiful fall day. There were hundreds of people there. The Chaplain, with this booming voice he was given at birth, was able to do it without any amplification whatsoever. It was very nice.

The one thing that was stunning to everyone there was that the Chaplain said, ''I am now going to recite,'' and he went through about eight or nine passages in the Bible. He named which passages he was going to recite—one, two, three, four, five, six, seven, eight—and then proceeded to do it without a note, without anything. It was remarkable. It reminded me so much of Senator Byrd because he also had that ability, the ability to remember. I am sure, for those of us there, it looked so easy for the Chaplain to do that, but I am sure he prepared as he did as a young boy, learning these verses of Scripture for his mother and grandmother.

While he is here on the floor, I wish to express my appreciation to him. But the appreciation is from everyone who was there who is not capable of doing that because they don't have the ability to speak. So I say to my friend the Chaplain, we appreciate your spiritual leadership of the Senate and your remarkable qualities as a person.

SCHEDULE

Mr. REID. Following any leader remarks, there will be a period of morning business until 10 a.m, with the time equally divided and controlled between the two leaders or their designees.

At 10 a.m., there will be 2 hours for debate on the motion to proceed to S.J. Res. 39, with the time equally divided and controlled between the leaders or their designees. S.J. Res. 39 is a joint resolution providing for congressional disapproval of a rule relating to status as a grandfathered health plan under the Patient Protection and Affordable Care Act.

At around noon, the Senate will vote on that matter. If cloture is not invoked, the Senate will resume consideration of the motion to proceed to the legislative vehicle we will use to complete work here on the continuing resolution. Senators will be notified when a vote on the continuing resolution is scheduled.

The Senate will recess from 12:30 until 2:15 today for our weekly party caucuses.

UNANIMOUS-CONSENT REQUEST—H.R. 388

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 119, H.R. 388, the Crane Conservation Act; that the bill be read three times, passed, the motion to reconsider be laid on the table, and any

statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Oklahoma.

Mr. COBURN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 859

Mr. REID. I ask unanimous consent that we now move to Calendar No. 154, S. 859, the Marine Mammal Rescue Assistance Act; that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements related to the measure be printed in the RECORD.

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 529

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 117, S. 529, Great Cats and Rare Canids Act; that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 850

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 270, S. 850, the Shark Conservation Act; that the bill be read three times, passed, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Oklahoma.

Mr. COBURN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 1748

Mr. REID. Mr. President, I ask unanimous consent that we move now to consideration of S. 1748, the Southern Sea Otter Recovery & Research Act, as reported by the Commerce Committee; that the committee-reported substitute amendment be considered and agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Oklahoma.

Mr. COBURN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

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

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. COBURN. 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.

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 now be a period of morning business until 10 a.m., with the time equally divided between the two leaders or their designees.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish to speak in morning business and will confine my remarks to the objections I just made to the leader's motions.

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

SETTING PRIORITIES

Mr. COBURN. Mr. President, I am simply amazed that, when we are borrowing $4.2 billion a day from our grandkids—that is what we are borrowing, $4.2 billion a day—we are going to run a $1.4 trillion deficit, and we have a unanimous consent request to move to things that spend more money, money we do not have that we are going to borrow from the Chinese or Russians to be able to pay for it, and we are going to spend the money overseas. There is no question that we should try to develop consensus in our body, but the first consensus we should have is the priorities of the problems that are facing this country. The problems that are facing this country are so big and so massive that our attention ought to be focused on those large problems, not on five separate bills that have been proffered for special interest groups. I don't understand the motivations. What I do understand is that the American people get it, even if we do not.

The fact that we are going to make attempts for political purposes to put bills that are not paid for and that will add to the $4.2 billion a day that we borrow on the floor when our economy is languishing because we continue to grow the Federal Government, continue to build regulations that affect and diminish the desire for people with capital to invest it in our economy—and we force people out of this country to build their plants and manufacturing facilities because of our regulations and tax codes, I do not understand.

My objections—I will not spend the time exactly outlining my objections to all these bills, but my overall objection is the priorities we are setting in the Senate. We ought to be about creating confidence so people will invest in this country rather than continuing to undermine that confidence with superfluous, well-meaning bills that are put up for political purposes instead of addressing the real problems that are facing our country.

Out of a courtesy to Senator REID and the agreement I just made with him, I will not offer my unanimous consent request at this time, but I will later today after he has had a chance to read them, on the following five bills:

The Veterans Second Amendment Protection Act. Mr. President, 140,000 veterans in this country have lost their second amendment rights. It has never been adjudicated that they were a danger to themselves or anybody else. Yet a bureaucrat somewhere has taken away their second amendment rights. This bill has come out of committee twice. Senator BURR is the lead sponsor on it. We treat veterans as second-class citizens when it comes to their second amendment rights. We ought to pass that. I will ask that later.

The Firearms Fairness and Affordability Act. We make firearms manufacturers pay their taxes every 2 weeks instead of quarterly like every other manufacturer in this country. But we penalize them. We ought to treat them the same as everybody else.

The earmark transparency bill gives one Web site so everybody in America can see where the earmarks are, who offered them, what the basis for them is, whether they were competitively bid. That is something America would like to see.

Then there are two tax cheat bills, for us as Members of Congress and our employees and then other Federal employees.

So I will not offer those unanimous consent requests at this time, but I will later in the day. Again, there are important, big problems in front of this country. We need to be about addressing those rather than special interest favors at this time.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. 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.

HONORING OUR ARMED FORCES

PRIVATE CHARLES HIGH

Mr. UDALL of New Mexico. Since the wars in Iraq and Afghanistan began nearly 9 years ago, 72 service members with New Mexico ties have lost their lives while defending our Nation and the freedoms we hold dear.

Seventy-two. They were brothers and fathers and husbands and sons and friends. Each was irreplaceable to his family. Each had a different story. Today, I rise to tell the story of one of those men.

U.S. Army PVT Charles High was 21 years old, a son of the city of Albuquerque who attended Eldorado High School.

Known as ''Charlie'' to his friends, he played the viola in his high school orchestra. He ran track. And he taught himself how to play guitar.

Charlie's dad says he always knew that his son would join the military. He signed up for Junior ROTC when he was 14, and his dad said he was hooked. He went on to join the Army in June of 2007 and was stationed at Fort Campbell in Kentucky as part of the elite 101st Airborne Division.

His tour in Afghanistan was his second overseas. He served his first tour in 2008 in Iraq.

Charlie was killed last month when an IED detonated near his vehicle, which was patrolling in Afghanistan's Kunar Province.

He leaves behind his dad Charles, his mom Kimberlea Johnson of Illinois, his fiancée Maggie Jo Simmonds, four siblings, his grandparents and great-grandmother, and dozens of other family members and friends.

A month before he was killed, Charlie had gone home to Albuquerque for a visit with friends and family. Here is what his Dad said when asked about his son's death:

> I would say he's a true American hero. He fought and died for his country. He died doing what he wanted to do. I hate to see him go so young, but he was quite a young man all the way around. When he was home, we could see how much he had grown.

Charlie's impact on all who knew him was evident in the messages of condolence left for his family after his death.

''He was a great friend and example,'' read one.

''You never gave up and never surrendered,'' said another.

''He gave his life for freedom.''

''He is a hero to us all.''

Private High: you truly are a ''hero to us all.'' You are forever in our hearts, and we are forever in your debt.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. 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.

CONGRESSIONAL DISAPPROVAL OF RULE RELATING TO GRANDFATHERED HEALTH PLAN—MOTION TO PROCEED

Mr. ENZI. Mr. President, I move to proceed to S.J. Res. 39.

The PRESIDING OFFICER. There will be 2 hours of debate equally divided.

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, the resolution we are debating today is about keeping a promise. The authors of the new health care law promised the American people that if they liked their current health insurance, they could keep it. On at least 47 separate occasions, President Obama promised: ''If you like what you have, you can keep it.''

Unfortunately, the Obama administration has broken that promise. Earlier this year, the administration published a regulation that will fundamentally change the health insurance plans of millions of Americans. The reality of this new regulation is, if you like what you have, you can't keep it. The new regulation implemented the grandfathered health plan section of the new health care law. It specified how existing health plans could avoid the most onerous new rules and redtape included in the 2,700 pages of the new health care law.

This provision was a critical part of the new law. It allowed supporters to argue that current health insurance plans would be exempt from all of the rules and regulations created by the new law. Employers and health plans were told that the grandfathered protections would mean if you have coverage on the day the law passed, you could keep that coverage without having to make any major changes.

Employers and employees thought the bill would have cost-cutting measures, but now they find only cost increases. The new law will provide no relief to increasing costs until at least 2014. But this rule and its higher costs kick in now. Unfortunately, the regulation writers at the Departments of Treasury, Labor, and Health and Human Services broke all those promises. The regulation is crystal clear. Most businesses—the administration estimates between 39 and 69 percent—will not be able to keep the coverage they have.

Under the new regulation, once a business loses grandfathered status, they will have to comply with all of the new mandates in the law. This means these businesses will have to change their current plans and purchase more expensive ones that meet all of the new Federal minimum requirements. For the 80 percent of small businesses that will lose their grandfathered status because of this regulation, the net result is clear: They will pay more for their health insurance.

The Wall Street Journal recently reported costs as going up between 1 and 9 percent because of the mandates included in the new health care law. Couple this increase with inflation, and small businesses are looking at a 20-percent cost increase. I actually know something about small business; I used to run one.

I ran a shoe store in Wyoming. I stocked the shelves, worked the customers to fit shoes, ran the cash register. I placed the orders with suppliers. I did the accounting, I swept the sidewalk, I cleaned the toilets. I knew what it was like to worry about making payroll at the end of the month. I know firsthand about the struggles and challenges America's small businesses face. I understand what this regulation will do to small businesses across the country. Small businesses are struggling every day to find the resources to provide health insurance to their employees. Rather than making it easier for those businesses to continue to provide this coverage, the new regulation will mean that employers will simply drop their health coverage altogether. That is why I am so concerned about this grandfathered health plan regulation, and that is why I introduced the resolution we are debating today.

My resolution would force the administration to actually keep their promises. The resolution would overturn this grandfathered health plan regulation and allow tens of thousands of businesses across the country to keep their current plans. If we pass the resolution, millions of Americans will be spared from paying higher health care costs as a result of new Federal mandates. If we pass the resolution, small businesses across the country will not have to drop health insurance for their workers.

Congress created the Congressional Review Act we are using today specifically to overturn Federal regulations such as the one we are discussing. The sponsors of the Review Act recognized that too often Washington bureaucrats impose sweeping new regulations with little thought to the impact these changes will have in the real world. In particular, the Review Act was intended to protect small businesses across the country that are often most vulnerable to new government mandates and regulations.

That is precisely what happened with the grandfathered health plan regulation. The regulation writers went above and beyond what the law said and came up with a whole slew of requirements businesses must comply

with if they want to keep what they have. The regulation includes a long list of things that will disqualify businesses from being able to keep what they have. If a business does anything to try to keep costs under control, they lose their grandfathered status.

Earlier this year, when the grandfathered regulation was first published by the administration, I came to the Senate floor and warned of the negative impact this regulation would have on small businesses. This new regulation appears to ignore the impact it will have in the real world. It will drive up costs and reduce the number of people who have insurance.

I recently heard from Jim, an insurance agent in Illinois, who wrote to me and said:

My experience in the last few months is—maintaining grandfather status to my group plans is all but impossible. All my clients' renewal rates in September and October are in excess of thirty percent. To keep grandfather status, the group is limited in deductible changes and contribution levels. The only option is for the employer to accept the premium increase at the worst economic time in forty years. They can't afford to keep the grandfather status and soon won't be able to afford insurance at all. In my opinion, the legislative goal was to make maintaining grandfather status so restrictive, companies are forced out. It's working.

I have a whole slew of similar stories and I ask unanimous consent to have some of them printed in the RECORD.

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

HOW THE GRANDFATHERED HEALTH PLAN REGULATION IS IMPACTING AMERICANS—REAL LIFE STORIES FROM AMERICA'S HEALTH INSURANCE AGENTS

I recently helped a couple in their 50's who each had their own individual policy. I signed them up with their policies about a year ago and they gave me a call when their annual rates increased the usual 15%. They wanted to look for something more affordable even if it was a higher deductible plan. They settled on a plan. I went to meet with them and began to explain grandfathering and that if they do choose the new plan, they will lose the chance to keep their grandfathered status and either way will have to pay more. They decided to stay with their ''grandfathered plan'' because the benefits are ''better'' than what they would have been if they went to a new plan where they would have more out of pocket costs.

Really, either way, it's a lose-lose. At least if things would've remained the same, the benefits would be better. But, now we have to tell our clients and prospects that prices are still going to go up, and benefits are still going to go down, but just at a faster pace. It's been kicked into high gear with ObamaCare. So, kudos to the people that are making these drastic decisions. I'm glad I'm just the messenger, because I wouldn't want to be responsible for killing our healthcare.

TRESSA GIRT,
Health Insurance Agent,
Milwaukie, OR.

Several of the insurance companies doing business in Utah have announced that they will not allow ''grandfathering'' plans for groups under 50 lives because of the expense to them to maintaining multiple plans on their books. This basically leaves those who had coverage with these carriers without any possibility of grandfathering and thus avoiding the expense of new mandates.

CHARLES COWLEY,
Charles H. Cowley Employee Benefits,
Salt Lake City, UT.

I am an agent in Lafayette, IN. My specialty is small group health insurance. I work with many farmers and builders. These are hardworking, honest Americans just trying to make a decent living. Many of my clients struggle to make ends meet and desperately want to continue providing health insurance to their employees. With the healthcare reform, they are extremely confused and disappointed when it comes to being able to grandfather their plans. In particular, I insure a local builder. He has ensured throughout the years that his employees have good health coverage. He has absorbed many of the renewal increases in the past few years. With the downturn in new home sales, his business has struggled. His group health plan renewed Sept 1, 2010. He received a 15% increase. In years past, he was able to absorb the increase and keep the health plan ''as is.'' Financially, this year, that wasn't an option. He had to increase his deductible amount or risk being unable to offer health insurance at all. I explained that this small change would in fact cause his group to lose their grandfathering status. He was upset and concerned about the loss. He didn't want to make the change but it was either that or offer no coverage at all. I believe that a group should be able to retain their grandfathered status when making changes in deductibles such as raising by $500 or adjusting contribution levels. It is unrealistic to believe a small group can absorb 15+% increases for the next 4 yrs to maintain their grandfathered status.

My client is a 22-life group in Ft. Lauderdale, FL. Currently with Aetna. They received a large increase which is driving all my clients—not just them—out of a grandfathered plan! They feel forced to get a new plan because they made their current plan so expensive. Now, the new plans have much higher deductibles, more out-of-pocket and the affordable plans only offer to pay 50% coinsurance! The options are very limited.

JENNIFER L. EISLER.

Mr. ENZI. Folks all over the country are just like Jim. Insurance agents are explaining to small businesses that they will be forced to choose either to absorb premium increases in excess of 15 percent or lose their grandfathered health plan status. By the administration's own estimate, up to 80 percent of small businesses will lose the right to keep what they have. Lots of companies pay 90 percent of the cost of their employees' and families' insurance. They were hoping to be grandfathered at least until 2014, to see exactly how damaging the whole bill would be. But we are experiencing 2014 now, with no help in cost cutting.

The Small Business and Entrepreneurship Council says it pretty succinctly. In a letter they wrote to me supporting S.J. Res. 39, they write:

Rather than helping small business owners and their workforce keep their plans, it appears the rule has been rigged to force most small businesses and their employers out of grandfathered status.

The letter also reads:

The rule, as written, is in clear violation of President Obama's promise that Americans would be able to keep the health plans they currently have upon passage of the Patient Protection and Affordable Care Act.

As the Chamber of Commerce, the National Association of Manufacturers, the National Retail Federation, and other business groups supporting this resolution have said: This rule will make it harder for employers to make changes that will hold down their health care costs. Large and small businesses will have few options for both keeping costs in check and maintaining the grandfathered status.

If employers do almost anything to help slow the growth in their health insurance costs, they will lose the limited protections against the expensive new mandates in the bill. It is worth noting that two pages in the law that create the grandfathered plans give infinite leeway to the bureaucrats who are writing the rule, and they took it. The law doesn't say anything about cost-sharing requirements or coinsurance rates. The administration made up all of these provisions and requirements. They didn't have to write these rules in a way that precludes half of Americans from keeping what they have.

Our economy is already struggling. It doesn't need more job killing. It doesn't need cost increasing government mandates. We are hearing from small businesses across the country which are already being forced to swallow large premium increases that will prevent them from hiring more workers. It is about the jobs. We need to create more jobs, not write more regulations that lead to less jobs. This bill was sold as letting people keep what they have. But the devil is in the details. Do a little digging and it is clear; Americans would not be able to keep what they have.

The simple truth is, because this new rule will drastically tie the hands of employers, few employers are expected to be able to pursue grandfathered status. I even have letters from people who have individual situations, and they are concerned as well. That means more than half of Americans who like what they have would not be able to keep it.

The final result of the new regulation will be that all Americans will eventually be forced to buy the kind of health insurance the Federal Government thinks they should have. Never mind they can't afford it. Never mind that employers will be less likely to hire new workers and probably even lay off workers. Simply put, this rule states: Washington knows best.

This new rule is pretty clear. If you like what you have, you can't keep it.

Later today, the Senate will have the opportunity to vote on the resolution that will help small businesses actually keep what they have. I urge my colleagues to support this resolution and keep the promise that if Americans like the insurance they have, then they can keep it. That should be the bare minimum until at least 2014, so businesses and employers can assess the

damage from all the regulations combined—and there is a pile of them coming. Help is not in the bill until 2014, but the rule is for now. The big question is, Why weren't the cost-cutting measures included in the regulation?

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is considering the motion to proceed to S.J. Res. 39.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I have 1 hour?

The PRESIDING OFFICER. That is right.

Mr. HARKIN. I know the Senator from Montana wants to speak. If he could just withhold for a few moments for my opening comment, and then I will yield to him.

Mr. BAUCUS. Sure.

Mr. HARKIN. Mr. President, I listened to the statement made by my good friend—and he is my good friend—Senator ENZI from Wyoming. We are in the seventh month since the Affordable Care Act became law. Ever since the day President Obama signed the bill into law, my friends on the Republican side have made it clear they intend to use every conceivable opportunity they have to repeal it. This resolution, regrettably, is another attempt to make good on that pledge by undoing some of the law's most critically important patient protections.

The resolution offered by Senator ENZI claims to protect small businesses by repealing the grandfather regulation, which defines which insurance plans and businesses have to comply with certain consumer protection provisions of the Affordable Care Act. However, if passed, the businesses and Americans could be in the worst of all worlds, losing the clear rules that allow them to keep the plans they have while not gaining additional consumer protections that apply when their plan changes.

I have a letter from the Main Street Alliance, which strongly opposes this resolution. This is an alliance of small businesses. Let me read an excerpt from that letter. They say:

> Opponents of the health law's insurance market reforms continue to hide behind business arguments and claims about increasing costs. But independent analyses show that all the new protections in the law should contribute a mere one to two percent increase to costs next year, a number easily offset by provisions like the small business tax credits—

That we have given small businesses—

> in the short term and savings from increased bargaining power and investing in prevention in the longer term. Let's be clear: those who seek to block implementation of the new grandfather regulations are acting in the best interests of the insurance industry, not Main Street small businesses.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

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

THE MAIN STREET ALLIANCE,
Seattle, WA, September 28, 2010.

Re Small business opposition to S.J. Res. 39, attempting to block implementation of health law's grandfathering rules.

HONORABLE SENATORS: On behalf of the Main Street Alliance, a national network of small business coalitions that brought the voices of real small business owners to the national dialogue over health reform, we write to urge your opposition to S.J. Res. 39, filed in the Senate on September 21. This resolution of disapproval would prevent the implementation of the grandfathering regulations that are critical to fostering an orderly transition to a reformed insurance market under the Patient Protection & Affordable Care Act.

Some of the health care law's new protections apply to all health plans, regardless of grandfathered status, including the prohibition of rescissions, ban on lifetime coverage limits, and end to exclusion of children based on pre-existing conditions. Still, other market reforms that are impacted by the grandfather provision are among the new protections most important to small businesses.

Small business owners want their health plans to cover basic preventive care at no cost so they can maintain a healthy workforce. We want an end to premium discrimination based on our employees' health status. And we want stronger review of premium increases and a meaningful third-party appeals process to make sure we get a fair shake. What we don't want is to be stuck indefinitely with plans that, because of their grandfathered status, allow insurers to continue ''business as usual'' without fulfilling new protections or submitting their rate increases for meaningful review—that would not be reform.

Opponents of the health law's insurance market reforms continue to hide behind business arguments and claims about increasing costs. But independent analyses show that all the new protections in the law should contribute a mere one to two percent increase to costs next year, a number easily offset by provisions like the small business tax credits in the short term and savings from increased bargaining power and investing in prevention in the longer term.

Let's be clear: those who seek to block implementation of the new grandfather regulations are acting in the best interests of the insurance industry, not Main Street small businesses.

Health reform needs to lower costs for small businesses. It also needs to end the slide toward junk health insurance. The regulations drafted by the Administration to implement the grandfather provision create a reasonable transition to a reformed insurance market. We urge your opposition to S.J. Res. 39.

Sincerely, on behalf of the Main Street Alliance,

J. KELLY CONKLIN,
Foley-Waite Associates, Inc., Bloomfield, NJ.
LEANNE CLARKE,
Haleyanne Jewelry, Seattle, WA.
DAVID BORRIS,
Hel's Kitchen Catering, Northbrook, IL.

Mr. HARKIN. One of the things we put in the health care bill when we designed it was the protection for consumers to keep the plan they have if they like it; thus, the term ''grandfathered plans.'' If you have a plan you like—existing policies—you can keep them. Well, then we left it to the Department of Health and Human Services to craft regulations to define exactly what a grandfathered plan is.

On the one hand, you want to give some flexibility to plans to be able to make reasonable changes. For example, if costs go up, they can increase their premiums somewhat. They can do certain things. But they cannot change the fundamental kind of nature of the plan and still call it a grandfathered plan. You want to protect consumers to make sure that what plan they signed up for is the grandfathered plan and not something else.

For instance, if the regulations are overturned, which is what the Senator from Wyoming wants, insurance plans could change immensely. Yet that is not what you signed up for; for example, the grandfathering rule that says the insurer cannot significantly cut your benefits. Let's say your insurer decides to cut from your plan conditions such as cancer or diabetes or heart disease. Let's say they cut that out of your plan. Well, that plan would no longer be considered grandfathered because that is not what you signed up for.

The second one says they cannot raise your coinsurance charges. For instance, if you are required to pay 20 percent of the cost for all hospital visits, your insurer cannot raise that to 50 percent because that is not what you signed up for.

They cannot significantly raise copayments. If your plan is grandfathered, you are protected from drastic increases in copays. Copays would be allowed to rise nominally each year, but if they changed significantly, that is not what you signed up for.

Grandfathered plans cannot significantly raise deductibles. Let's say your plan is grandfathered. You are protected from large increases to your deductible. That keeps your insurance company from shifting more cost to you because that is not what you signed up for.

Grandfathered plans cannot significantly increase your premiums. Well, for example, if 20 percent of your insurance costs are currently deducted from your paycheck, and your employer pays the other 80 percent, under the rule that cannot be changed by more than 5 percentage points a year. Well, what if a company came in and said: You were paying 20 percent; now you have to pay 40 percent? If they did that, that is not what you signed up for, so that should not be a grandfathered plan.

Also, grandfathered plans cannot add or tighten an annual limit on benefits. If your plan is grandfathered, your insurer cannot add a new cap on the amount they will pay for covered services each year. Why? Because that is not what you signed up for.

Grandfathered plans cannot change insurance companies. If your plan is

grandfathered, you get to keep your plan. This means you will keep your insurance company and with it your network of doctors. Because if that is changed on you, that is not what you signed up for.

So basically the rule my friend from Wyoming is seeking to overturn protects you, the consumer. It protects you in keeping the plan you like; we said, if you like a plan, you get to keep it, and you can grandfather it in. What if they change the caps on certain annual limits? What if they raise your copays? What if they raise your deductibles? What if they sell out to another insurance company that has a different kind of a policy? Why should that be grandfathered? Because that is not what you signed up for.

We want to make sure if you signed up for a plan and you like that plan, it can be grandfathered. What cannot be grandfathered is something drastically different, which puts you at a disadvantage.

So it is clearcut on this issue before us: You either stand with consumers and you stand with Main Street businesses—which I just read a letter from, which recognizes that if they want grandfathered plans, they also want to be protected, they want some certainty out there to know what those plans are going to be; and that is what these rules provide. On the other hand, if you vote to overrule this rule, you are obviously standing with the insurance companies one more time, letting them continue what we closed the door on, some of these terrible abuses of cutting people off, putting caps on what you can get, changing your policies midstream.

Well, the rule says: Yes, insurance company, you can do that, but you are no longer a grandfathered plan. That is exactly what this rule is about, to protect consumers and to provide certainty out in the marketplace for small businesses so they know what the grandfathered plans are and what they are not. Without this, if you do not have a rule, who knows what a grandfathered plan is. It is up in the air.

So with that, I yield 15 minutes to my friend from Montana who did such a great job as chairman of the Finance Committee in shepherding the health care reform bill through. He is one of our great experts in this area, and I know he feels strongly about these grandfathered plans too. So I yield 15 minutes to my friend from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my friend from Iowa, the chairman of the HELP Committee, for his excellent service.

A weather vane shows when the wind is blowing and in what direction it is blowing and a resolution such as this shows when it is election season.

This resolution is a political stunt. It is an election-season effort to take potshots at the new health care reform law. Before the Senate now is a joint resolution of disapproval under the Congressional Review Act of 1996. Colleagues will recall that the Congressional Review Act is part of what some folks called the Contract with America.

This particular resolution would nullify a regulation that is essential to implementing the new health reform law. The resolution is, thus, a transparent effort to undermine the new law. I urge my colleagues to oppose the resolution.

From the beginning, the new health care reform law has been about ending the worst insurance company abuses. That is why the new law requires insurance companies to end lifetime limits on coverage. That is why the new law prevents insurance companies from canceling coverage when you get sick. That is why the new law requires insurance companies to allow parents to put their children up to age 26 on their insurance policy, and that is why the new law prevents most insurance companies from discriminating against kids with preexisting conditions.

These important new protections took effect just last week. From the beginning, the law has been about preserving what is good about American health care. That is why one of the central promises of health care reform has been and is: If you like what you have, you can keep it. That is critically important. If a person has a plan, and he or she likes it, he or she can keep it.

Now some on the other side of the aisle have tried to pick apart that promise. They have tried to find some rare example to the contrary. But despite what some folks might say, we stuck to that promise. If you like your health care plan, you can pretty much keep it.

Then the question becomes: How can we be sure that what you have is still the same health care plan? What changes can the insurance plan make and still remain the same plan? That is what this new regulation is all about.

The Departments of Health and Human Services, Labor, and Treasury promulgated this regulation on June 17. The regulation defines what changes an existing health care plan can and cannot make in order to retain what is called the ''grandfathered'' status.

The new health care reform law gives grandfathered plans special treatment. This treatment ensures that satisfied consumers can continue to get their current health care plans, and this treatment ensures that dissatisfied consumers can get access to a fairer marketplace.

Plans with grandfathered status get more time to incorporate some of the consumer protections guaranteed in the new health care reform law. Grandfathered status is valuable to the health insurance plans. In some cases, it exempts plans from having to make particular changes until the year 2014.

Some fundamental consumer protections, however, are so important that all plans have to comply with them right away. Many of those protections are the ones that became effective just last week. The new regulation strikes a careful balance. It protects consumers from some of the insurance companies' most egregious abuses. At the same time, it recognizes the realities of what insurers are able to do. That balance is important to maximizing consumer choice, and that balance is important to minimizing insurance market disruption.

The new regulation spells out coverage changes that would cause insurance plans to lose this special grandfathered status. For example, plans cannot significantly reduce benefits and still retain their grandfathered status. It makes perfect sense to require plans to maintain their benefits as a condition of their preferred status. After all, if a plan significantly reduces its benefits, it is not the same plan anymore. If a plan significantly reduces its benefits, the plan is not truly letting you keep what you have.

Another example under the new regulation is that plans cannot significantly increase cost sharing and retain their grandfathered status. In other words, plans cannot significantly increase deductibles, copays or coinsurance that are more than nominal.

Once again, the new regulation is only fair because plans should not be increasing the financial burden on consumers and still qualify for this special status. If a plan significantly increases the financial burden on consumers, it is not the same plan. If a plan significantly increases the financial burden on consumers, the plan is not letting you keep what you have.

A third example under the regulation is that plans cannot add new or more restrictive limits on coverage and remain grandfathered. This, too, makes sense, because imposing or lowering annual limits has the same effect as reducing benefits, and that is not something for which plans should be rewarded.

Once again, if a plan adds new or more restrictive annual limits on coverage, it is not the same plan and the plan is not letting you keep what you have. These examples demonstrate how reasonable the new rules for grandfathered status are. Plans basically have to offer the same coverage. They have to offer the same cost sharing and annual limits as they do today.

The resolution before us would allow health insurance plans to leave the path to full compliance with new, commonsense consumer protections. The resolution would leave consumers relying on the kindness of the insurance industry, and we have seen how well that works. That is the effect of the resolution before us.

The resolution before us would strike down disincentives for plans to cut benefits, increase consumers' out-of-pocket costs, or reduce how much health care a consumer may use in a year. The resolution before us would

thus free the health insurance companies to cut benefits, to increase out-of-pocket costs, and to reduce annual limits.

The new health care reform law aims to eradicate these abusive practices, and the grandfathering regulation ensures a successful transition to a fully reformed insurance market.

The new health reform law puts consumers and their doctors—not insurance companies—in charge of their health care.

This resolution would put consumers at risk. It would put consumers at risk of paying more and getting less. This resolution is the exact opposite of health care reform.

This resolution is a political stunt. It is about repealing health care reform in an election season. This resolution is an attempt by the other side to dismantle the new health care reform law piece by piece. This time, they are sending a message to their friends in the insurance industry. This resolution invites the insurance companies to continue to put profits before patients. So I ask: What is next?

The other side says they want to repeal and replace the new health care law, but we saw what happened before health care reform. Before health care reform, insurance companies could discriminate against kids with a preexisting health condition. Before health care reform, health insurance companies did not have to let adults under 26 stay part of their parents' health insurance plans. Before health care reform, health insurance companies could kick people off their rolls when they were sick and needed coverage the most. That is what the law was before the new health care reform law. Is that what the other side wants to go back to?

The bottom line is this resolution would take away consumer protections that the new health care reform law guarantees.

I urge my colleagues to reject the proposition that insurance companies know best. They don't know best. I urge my colleagues to maintain the commonsense consumer protections that have just come into effect, and I urge my colleagues to reject this election season resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I appreciate the comments by both of the leaders on health care from the other side, but you can't have your own facts. You can't show significant changes as being the only thing that eliminates grandfathering.

If you look at the Federal Register, page 34,568, the last few paragraphs say: Any increase in a percentage cost-sharing requirement causes a group health plan or health insurance to cease to be a grandfathered health plan.

Another part says: Any increase in a fixed-amount, cost-sharing requirement other than a copayment—any increase in a fixed amount copayment. It doesn't say significant changes, it says any change.

I yield up to 10 minutes to my friend, the Senator from Wyoming, Senator BARRASSO.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Thank you, Mr. President. As my colleagues know, I have come to the floor week after week after this bill was signed into law with a doctor's second opinion based on my nearly quarter of a century practice in Wyoming, taking care of families there. I go home every weekend and talk to people.

The people of Wyoming remember when the President of the United States spoke to a joint session of Congress and he told the American people about the plan that was later signed into law. During that speech the President said:

> . . . if you are among the hundreds of millions of Americans who already have health insurance through your job, or Medicare, or Medicaid, or the VA, nothing in this plan will require you or your employer to change the coverage or the doctor you have.

Let me repeat:

> Nothing in our plan requires you to change what you have.

I think I heard the chairman of the Finance Committee say that if you like your plan, you can pretty much keep it. That is not what the President said. Pretty much keep it? With those words, the President—and congressional Democrats—made a vow to 170 million people who get health coverage through their employer. The President and congressional Democrats promised that if you like what you have, then the health care law would let you keep it. What a difference a year makes.

On June 14 of this year, the Obama administration released a 121-page ''grandfathered health plan'' rule. It is a rule that clearly violates—clearly violates—the President's promise.

Let me explain how. ObamaCare included a provision allowing existing insurance plans to be ''grandfathered'' under the new law. Theoretically, that means that employers and individuals would not have to give up the coverage they have and they like to comply with onerous government rules and mandates.

So you have to make sure, though, that you read the fine print. Look at the chart. The chart in the new administration rules estimates between 39 and 69 percent of businesses will lose their grandfathered health plan status.

The picture is even worse for small businesses in America, and it is small businesses that are the engines that drive this economy. The same chart in this report estimates that by the year 2013, up to 80 percent—80 percent—of small businesses will lose their grandfathered status. This means American businesses will not be able to keep their current insurance plans. That is what this means. They will be required by the Federal Government to comply with all the new mandates which are very expensive and are contained in the new health care law. This only serves to drive employer health care costs up, making it even more difficult for them to offer health insurance to their workers.

I am sorry. Maybe the American people are confused. The American people believed the goal of reform was to lower health care costs. America's small businesses struggle each and every day to find a way to provide health insurance to their employees. The government should be making it easier for businesses to keep providing the coverage. Instead, this bureaucratic regulation drives prices up. This is going to increase the odds that employers are going to simply choose to stop offering health care insurance coverage completely.

Additionally, this so-called grandfather regulation makes it much harder for employers to make health insurance changes that would actually help to keep down the cost of care, to keep down the cost of coverage. Today, businesses have very few options if they want to keep costs in check, as well as keep their grandfathered status. Businesses that lose their grandfathered status are then forced to comply with all the new rules, all the mandates in the health care law, and now, even by the White House's own admission, we are talking about up to 80 percent of the small businesses in this country.

Subjecting employers to these mandates forces them to change and to expand their insurance plans. What does that mean? Well, it means costs are going to go up. No surprise. It is obvious this administration doesn't want the American people to be able to keep what they have if they like it. The law wasn't written that way, and certainly the regulations were written in a way that violates—and this is the White House—the White House regulations were written in a way that violates the pledge the President made to the American people.

President Obama and congressional Democrats certainly like using their talking points, but the American people know it is just spin. That is why this bill was unpopular when it was signed into law and now, 6 months later, it is even more unpopular, with 61 percent of the American people wanting this bill and this law repealed and replaced.

That is why I come to the floor today to support the efforts of my friend, the senior Senator from Wyoming, the ranking member of the Health, Education, Labor and Pensions Committee, who has introduced Senate Joint Resolution 39, a resolution of disapproval that would overturn the administration's so-called grandfather rule. It is an honor to stand with Senator ENZI and fight against this job-killing Washington mandate. I appreciate his leadership but, more importantly, his dedication to make sure the President

keeps his promise—a promise that if you like the health insurance you had before the new health care law was passed, then you can actually keep it.

That is my second opinion. That is why we need to repeal and replace this health care law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Mr. President, I wish to proceed under my leader time.

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

Mr. MCCONNELL. Mr. President, first, I had an opportunity to hear the remarks of Dr. BARRASSO, the Senator from Wyoming, about health care, and I wish to thank him for the ongoing contribution he has made in this very important debate. This is an issue that is not over and we will keep on revisiting the flaws in the coming years. So I thank the Senator from Wyoming for his important contribution.

I also thank the other Senator from Wyoming who is sitting to my left, who is the author of this measure we will be voting on—a necessary step. I thank the Senator from Wyoming for his important contribution as well.

VOICES GROW LOUDER

Mr. President, for the past year and a half, Americans have witnessed something truly remarkable here in Washington. They have watched a governing party that was more or less completely uninterested in what the governed had to say about the direction of the country. In a nation where the government's power is derived from the consent of the governed, that is a pretty risky governing philosophy. That is why the voices of the American people have grown louder and louder.

Republicans have listened to those voices. We heard the concerns Americans had with the stimulus bill that was based on the discredited premise that having bureaucrats and Democratic lawmakers spend $1 trillion on their favorite programs would revive the economy, and we opposed it. We heard the concerns Americans had about a health spending bill that was built on the discredited premise that spending more money and growing the Federal bureaucracy would make health care less expensive, and we opposed it. We heard the concerns Americans had about a financial regulatory bill that was built on the discredited premise that hiring more of the same kind of bureaucrats who missed the last crisis was a good formula for preventing the next one, and we opposed it.

Again and again, Democrats were faced with a problem, and their solution was to ram through some costly, big government solution Americans did not want, but that they are now expected to pay for. And they are still not finished.

In order to fund even more programs, more government, our friends on the other side now want to raise taxes. Nearly 15 million Americans are looking for work and can't find it. Another 11 million are underemployed, meaning they have settled for part-time work instead of a full-time job. Household income is down for the second year in a row, and Democrats want to take more money out of people's pockets.

Just yesterday, the nonpartisan Congressional Budget Office said these tax hikes will hurt the economy and slow the recovery. So what did we do here over the past week in the Senate? An ill-conceived bill the chairman of the Finance Committee said would put U.S. companies at a competitive disadvantage, and a campaign finance bill, the entire goal of which was to give Democrats an electoral advantage in the upcoming elections by muzzling their opponents.

If Americans need any further proof that Democrats haven't been listening to them, this past week has provided all the evidence they need. Americans want us to focus on jobs, and our friends on the other side focused on preserving their own jobs and spending more taxpayer dollars.

It has to stop.

That is why earlier this month I proposed a bill that would prevent a massive tax hike from going into effect on anyone at the end of the year, and that is why Republicans put forward an appropriations cap that would cut $300 billion from the President's budget, even as our friends on the other side neglected to bring a single appropriations bill to the floor.

Sometime today or tomorrow, we will be leaving Washington to head back to our States and when we do, Democrats will have a lot of explaining to do about how they have spent their time here in the last year and a half. As for Republicans, we will be able to say we listened.

TRIBUTE TO LARRY COX

Mr. President, in the reception area of my office in the Russell Building, there is a framed copy of a page from my hometown newspaper hanging on the wall. It is from section B, the front page, and the date reads January 21, 1985, just days after I was first sworn in as Kentucky's newest Senator.

There is a picture of me sitting in my new Senate office, talking on the phone, with quite the head of dark hair. Behind me you can see a man in a sport coat lifting some boxes. And he looks like he can lift them quite easily, too. The caption under that photo reads:

''McConnell made a few telephone calls while aide Larry Cox moved boxes in on the first day.''

The first day.

Now, in too many ways, it feels like an era has reached its final days. Because after more than 25 years of Senate service, and nearly 30 years of setting his own ego aside to help me and my career, on September 2 of this year, Larry Cox retired.

No other single person worked as hard or did as much for Team McConnell as Larry has. And because Larry was there from the beginning—when on any given day, he could serve as driver, security detail, advance man, political operative, caseworker, legislative advisor, and my eyes and ears all at once—no other single person probably ever will.

We have heard the phrase ''jack of all trades,'' but Larry is a master of all trades—not only because of the many roles he filled in my office, but for the fullness of his life outside the office as well.

As the State director in my office beginning in 1985, Larry was my chief representative in Kentucky. He oversaw an 18-member field staff, spread out amongst six offices in the State, and led my efforts in constituent casework, project development, and outreach.

Beyond that, however, Larry was the picture of the perfect Senate staffer. Content to stay in the background, for years he happily worked without seeking credit. He is a man of fairly strong opinions, and was somewhat our resident keeper of the ideological flame—but he would never force his opinion on you if you didn't ask for it.

Most of all, for the hundreds of staffers that have been through my offices, he served as a role model, an example of good character, and a true friend.

Larry and I have more in common than just our Senate service. We were both born in Alabama, just a year apart, and after a little traveling, we both ended up about as Bluegrass as one can get. Additionally, both Larry's father and mine served in World War II.

After the war, Larry's father, Lawrence E. Cox, Jr., worked for Gulf Oil, and that job took him and his family all across the southern United States. Larry spent time growing up in Louisiana, Arkansas, and Tennessee.

He attended George Peabody College of Vanderbilt University, and earned his master's at the University of Tennessee. A city planner by trade, he finally moved home—that is to say, to Louisville—in 1972.

My friendship with Larry began in 1981, when Larry began working for county government as the deputy secretary for community development. I was the county judge/executive, and I successfully lured Larry away from his old job. By 1984, he was with me as I made by first run for the Senate.

I can't talk much longer about Larry without mentioning his lovely wife Joanie. Larry came to start working for me just 3 months after he and Joanie got married. It is lucky for me it wasn't 3 months before. Joanie didn't know just how much I would take her husband away from her over the years.

Elaine and I have to thank Joanie for sharing Larry with us, because as we all know, sometimes Larry's work obligations have gotten the lion's share.

Sometimes Larry served as a one-man security detail. It was like being staffed by Clint Eastwood. You could call him ''Dirty Larry,'' and he was

just waiting for someone to make his day.

Larry is not a guy you want to make mad, even though those of us who know him know that under that tough exterior is a very kind and caring man. I am probably going to get in trouble with him for saying that out loud.

In the old days, Larry and I crisscrossed every county in the State, in a car that Larry faithfully had service every 3,000 miles. Every event, he had planned precisely down to the minute. Executing Larry's plans was like executing a military maneuver.

This was also when I first learned about Larry's honest-to-gosh superpower. He is a walking, talking human GPS. Ask him how to get anywhere, and he can give you landmarks, travel time, distance and cardinal direction.

Naturally, a fellow like that became one of my very first Senate staffers after we were victorious in the 1984 election. And he was the perfect choice to be my State director.

In that job, he has been to every town parade and county festival. I believe he could name the sitting judge/executive in all 120 Kentucky counties, or tell you which counties towns like Eighty Eight or Grab are in. Since 1985, there have been 14 commanding generals at the Fort Knox Armor Center, and he has known and worked with every one of them.

And in the hundreds of thousands of hours I have spent with Larry, if he ever had a bad day, he did it pretty well.

Maybe that is because Larry never got bored. I have already described how he did everything in my office, no job too big or too small. And the rich and complete life he leads has given him plenty else to do as well.

Larry knows a lot about a lot of things. If you are on the road with him, and you point out a nice looking Corvette, he will be able to tell you it's a ZR1 with 638 horsepower and over 600 pounds of torque that can pull one 'G' in a turn and goes zero to 60 in 3.5 seconds.

Larry once stopped me from boarding a plan because he could smell that it had been filled with the wrong kind of fuel. Despite the so-called experts telling him otherwise, he insisted they double check. Turned out he was right. Larry's nose saved some lives that day.

Larry's favored method of transportation, however, is not by air, but by land—specifically, by motorcycle. You can catch him driving across Kentucky on his Suzuki Bandit 1250, and he is usually with friends. In fact, Larry's got so many friends in the biker community that I have benefited from having a fleet of motorcycles roll in to many of my events. Larry's also a strong supporter of the second amendment. He believes in gun control—gun control being a firm hand and a steady grip.

I don't know how many guns Larry has, he may not even know, but I believe the number is somewhere north of 50. Years ago, Larry used to shoot skeet competitively.

You could even say Larry is one of those ''bitter'' people, the type who clings to his guns and his religion. He is a devout Christian who has been attending St. Matthew's United Methodist Church in Louisville since 1978.

He has faithfully volunteered countless hours over the years, including time spent at Susannah House, a daycare center run by the church. He has held every church leadership position, including serving on the board of trustees.

In what is becoming a recurring theme for Larry, he is always willing to do whatever is asked, and whatever it takes. On top of his church, he gives his time generously to the Kiwanis, and to the State Republican Party.

Larry is a great lover of the outdoors. He and Joanie have a farm in Hart County, KY, that is just shy of 100 acres. Now that Larry is leaving us I know he will be spending a lot more time there.

Larry generously opens up his farm to the McConnell Scholars, students at the University of Louisville who are part of a scholarship program for kids that I helped establish in 1991. He has held retreats for them there, mentored the students, and helped bring in speakers for other McConnell Center events. His contribution is so great that Dr. Gary Gregg, the center's director, puts it this way: ''Simply put . . . we would be impoverished without Larry.''

Dr. Gregg has a 15-year-old son, and Larry has helped encourage his interest in deer hunting, by letting him use his farm and his fields and educating him about shooting and gun safety. Whenever he has a chance to share his love of nature and the outdoors, Larry shines.

Anyone who thinks Republicans can't be conservationists, I want them to meet Larry and go visit his farm. The Green River runs through it, and Larry participates in the CREP program—a Kentucky conservationist effort to preserve and protect the river.

A third of the farm is planted with warm-season native grasses, to prevent soil erosion into the river and enhance the local wildlife. A third of the property is in timber, and a third in hayfields. You may have noticed what's missing on this farm—Larry has to abide by Joanie's rule, ''No crops, no critters.''

Larry is so well known throughout the State for his conservation efforts, he was honored this year as the Kentucky Association of Conservation Districts Person of the Year. He is also the first person to receive the Award for Distinguished Service from the Natural Resources Conservation Service.

My wife Elaine is also close to Larry and Joanie, and I know she is going to miss them a lot. Larry was one of the first Kentuckians she met when she came to the State, and he was so knowledgeable and friendly he made her feel just at home. She liked going to Larry and Joanie's home, where she knew she would always find good food and good company.

During my 1996 campaign, Elaine's sister Angela came to Louisville to volunteer, and Larry and Joanie generously put her up in their home. They have done that many times for other volunteers and staffers through the years. The McConnell Team has always been grateful to stay at their home.

I have wondered often over the years how a man as unique and special as Larry Cox came to be, and how I was lucky enough to find him.

To the second question, I can only credit providence. But the first question, that I can take a stab at answering.

I know Larry learned a lot about living from his mother. So did I. So did everyone lucky to know her. Beryl O. Cox was a spirited, adventuresome woman—in other words, she was a lot like Larry.

She raised three boys, and she was like one of the boys. She knew her priorities: She loved her family, her church, her motorcycles, and her bourbon—not necessarily in that order.

She and Larry would go riding together. She had her own motorcycle, a Honda Valkyrie. She didn't drive it—Larry would drive, and she would sit on the back.

Beryl was a delightful woman—''a real kick,'' according to Joanie. And may I say she was a close friend of mine as well. I remember how much she volunteered on many of my campaigns.

She was about the same age as my own mother. She lived a full and robust life, until her passing at the age of 95 in 2007.

A full and robust life, well lived. Larry obviously learned that from his mother as well. And just like her, he has made countless friends along the way.

Those friends will get to see a lot more of Larry now. So will his family. Whether it is time spent on the farm or on the back seat of his motorcycle, if it is time spent with Larry, I am sure they are grateful.

The Cox family includes Larry's wife Joanie; his daughter and son-in-law Lisa C. and Steve Pieragowski; his son and daughter-in-law J. Randall and Kristen A. Cox; his grandchildren Alexa Brooke Pieragowski, Erin Phoebe Pieragowski, Hayden Lawrence Cox, and Hadley Marie Cox; his brother and sister-in-law Alvin J. and Cammie Cox; his brother and sister-in-law Davis S. and Lynn C. Cox; his nieces and nephews Christopher L. Cox, Carter Cox, Lindsay F. Cox, and Stephen Cox; and many more beloved friends and family members.

Larry, your family's gain will certainly be our loss. It is a loss for my office, and a loss for the entire State of Kentucky that you have faithfully served for so many years.

As for me, I am going to miss my old friend.

After 30 years, there is too much to be said, so I simply say, thank you, Larry. For your dedication, your service, and your friendship, I don't think you can ever be thanked enough.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, before I yield to the Senator from Connecticut, I listened to my friend from Wyoming before the minority leader spoke. He was reading from the Federal Register, if I am not mistaken, saying that any change—and he kept repeating ''any change,'' ''any change,'' any increase because we have been talking about there had to be significant increases and changes. My friend from Wyoming was reading from the Federal Register and said ''any increase.''

After reading through this, it reminds me of an example I have often used about not taking things out of context. It comes from Psalm 14 in the Bible. There is a sentence in the Bible that says, ''There is no God.'' I say to a lot of people, it cannot be true. Yes, there is a sentence in Psalm 14. It is right there. The problem is the sentence before that says: ''The fool in his heart says there is no God.'' You can take things out of context. I started reading this and saw how this was taken out of context.

First of all, my friend from Wyoming said ''any increase in fixed amount cost sharing requirement.'' But, it says—he did not read on—''if the total percentage increase exceeds the maximum percentage increase,'' as defined in another paragraph over here, which is basically expressed as a percentage of inflation plus 15 points. So it is not any increase, it is any increase based on whether it is inflation plus 15 points.

Then my friend said: ''Any increase in fixed amount copayment.'' But you have to read on because it says ''determined as of the effective date if the total increase in the copayment exceeds the greater of an amount equal to $5 or the maximum percentage increase,'' as I mentioned before, which is medical inflation plus 15 percentage points.

I ask unanimous consent to have printed in the RECORD this chart to show that it is not any changes, as my friend was saying.

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

CHANGES THAT DISQUALIFY PLANS FROM GRANDFATHERED STATUS

Plan Element	Disqualifying Change*
Copayment	The greater of an increase of more than $5 (adjusted for medical inflation since March 23, 2010) or an increase above medical inflation plus 15 percentage points.
Deductible	An increase above medical inflation (since March 23, 2010) plus 15 percentage points.
Out-of-Pocket Limit.	An increase above medical inflation (since March 23, 2010) plus 15 percentage points.
Co-Insurance	Any increse in the co-insurance rate after March 23, 2010
Annual Limit	Any decrease of an annual limit that was in place on March 23, 2010, disqualifies a plan. Adoption of a new annual limit for plans that did not have one on March 23, 2010, also disqualifies a plan.**
Employer Premium Contribution Rate (in group plans).	A decrease of more than 5 percentage points below the existing employer contribution rate as of March 23, 2010
Benefits Package	The elimination of all or substantially all covered benefits to diagnose or treat a particular condition after March 23, 2010.

*See the interim final rule on grandfathered plans, listed under ''Additional Resources,'' for information regarding exceptions to the March 23, 2010 date. Exceptions may apply to plans that had already filed pending changes at the time that health reform was enacted.

**If a plan had a lifetime limit but no annual limit on March 23, 2010, it may replace its lifetime limit with an annual limit while maintaining its grandfathered status, as long as annual limit has a dollar value that is equal to or greater than the previous lifetime limit.

Mr. HARKIN. Mr. President, you have to read the whole paragraph. There is one where there is any change at all would disqualify a grandfather plan, and that is any increase in the percentage cost sharing. You can understand that. If you have a percentage cost sharing, let's say it is 20 percent, if the cost of the plan goes up, medical inflation goes up, then your total cost will go up because 20 percent of $100 is $20; 20 percent of $120 is $24. Your out-of-pocket will go up.

The only thing that would deny a plan from being grandfathered is if they changed the percentage of your copay. But if they have a fixed amount of copay, say $20, they can go above that by the maximum percentage increase of inflation plus 15 points.

I wanted to try to clear that up, that there is only one case in which any change at all denies grandfathering, and that is if, in fact, the plan changes your percentage of what you have to pay in. I wanted to make that clear.

Now I yield to my good friend, Senator DODD, who was the leader on our committee in getting the Affordable Care Act through and who knows the importance of making sure we keep these protections, not only for consumers but for small businesses.

I yield whatever time he wants.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I express my gratitude to my friend and colleague from Iowa and his terrific work. He, along with so many others, brought us to the point that has defied administrations and Congresses for more than half a century. Together, we were finally able to expand access, try to stabilize costs, and increase the quality of health care. It is no easy task. These efforts, obviously, consumed a great amount of this Congress's time and attention.

Despite the rigid opposition of those opposed to these changes, without an alternative ever being offered, for the first time the American people can look forward in the years to come to having increased access to health care, improved quality, in my view, but also stabilizing costs. Without these changes, we would put our great economy in this country at significant risk, beyond the other problems we are grappling with today.

I say respectfully—because my friend from Wyoming knows he and I have worked together on many issues over my tenure and his—it is with a deep sense of respect for him that I rise today in opposition to what his resolution would attempt to achieve and to associate myself with the remarks of Senator HARKIN, Senator BAUCUS, and others who worked day to day, along with their staffs, to achieve this health care reform package.

We are told health reform is not popular. I listened to one of my colleagues give a presentation that this is not terribly popular in the polls, as if somehow that is going to determine whether what we are doing is right or wrong.

I recall 1948, the Marshall Plan. If popularity in the polls had been the deciding factor as to whether we passed the Marshall Plan, it would have failed miserably. About 17 percent of Americans thought we should rebuild Europe. The Civil Rights Act and the Voting Rights Act—I can guarantee to this day there were those who said this was not a terribly popular idea. I am not sure how it would fare in certain quarters. I do not think anybody in this Chamber would disagree we are a better country today because of what we did in the Marshall Plan, what we did with the Voting Rights Act, the Civil Rights Act, and others.

I think it is disturbing that we ought to determine the outcome of trying to make America achieve its great potential by the results of polling data. I know that has become the standard some people use. It ought not be the standard by which the Senate determines its course of action.

Health reform is the culmination of more than a half century—in fact, arguably going back to Teddy Roosevelt's day, almost a century ago—a struggle by Democrats, Republicans, and Congresses to try and get to a point where we can get our arms around this very important issue. At long last, we set ourselves on a course to manage this issue.

At the center of that struggle was the question: Who would control a person's health care? On this issue there seems to be unanimity. I think all of us would like individuals and their health care providers to be in control when it comes to deciding what a person's health care coverage would be, and not the insurance industry that has a history of abusing those who fall ill and need coverage.

Just 6 months ago, we answered this question definitively. Americans should be able to control their own health care, and the insurance industry should not. This resolution before us today would take us backwards once again on that fundamental, underlying question at the heart of the long debate that consumed this Congress: Who would control whether a person had good health care, the insurance industry or the individual, their family, and their providers?

The law we passed phases in many new protections over several years protecting Americans' rights while ensuring stability of the health care system.

Just last Thursday on the 6-month anniversary of the passage of the health care reform bill, many consumer protections came into effect making up what we call the Patients' Bill of Rights.

This Patients' Bill of Rights, which my colleagues and I fought so very hard to include in our final bill, provides that sense of security to people across the Nation and in each of our respective States by prohibiting the worst of the insurance companies' abuses and practices. These abuses went on year in and year out, disadvantaging average citizens in our country. As a result of that bill of rights we adopted in our health care reform bill and as a result of last Thursday, the following rights became the law of this land:

All insurance plans must end lifetime limits on coverage. How long have we heard that debate and how important is it today that protection exists?

All insurance plans must stop canceling coverage when you get sick. How many of my colleagues at townhall meetings heard the frustrations expressed by our constituents that just when they needed the coverage the most, they would be dropped by the insurance industry?

And, today, parents who have adult children but under the age of 26 know they can carry those kids on their plan. How many families, because of the economy we are in with high unemployment, particularly among younger people, go through sleepless nights worrying about their children who have been dropped from their plans, knowing they are struggling to get on their feet? The law today protects those families and those young adults.

New insurance plans must offer additional benefits and protections to consumers under our bill such as preventive services—which Senator HARKIN championed day in and day out to be included as part of this bill—covered with no cost sharing, an increased choice of providers, and no prior authorization requirement for emergency care. Those protections benefit millions of people across this country.

If they knew what was at stake with this kind of a resolution, which can throw these back and change these plans in such a way, I suspect those using polling numbers to identify a reason for being for this resolution or against the health care bill might have second thoughts. When we began to debate the health care reform bill, the President of the United States made clear that part of having control of one's health care was having the right to keep what you have. We enshrined that in the bill during the HELP Committee markup, the Finance Committee markup, and the Senate debate on this bill.

No matter how important we thought those protections were, we said you can keep what you have, if that is what you want. But this was not carte blanche for the insurance industry to ignore the new law and continue abusive practices that have been in place for too long. They can continue their old plans as long as they did not dramatically increase the cost to their customers.

It made no significant negative changes to the coverage consumers were paying for. In other words, you can keep what you have. But if the insurance companies try to take away what you have, the law will protect you. In the parlance of Washington, this is called grandfathering.

To clarify to businesses, insurers, and all Americans what this meant in practice, the administration released a regulation on June 17. This regulation strikes an important balance of keeping our businesses strong while ensuring that employees and their families are able to weather difficult economic times, such as the ones we are in.

Under the regulation adopted on June 17, grandfathered plans are not required to offer the additional benefits included in the Patients' Bill of Rights. I wish they were, but they are not. The grandfather regulation provides insurers and businesses flexibility to continue to innovate and to grow and still maintain their status.

Businesses' health plans will not lose their grandfather status unless significant changes are made to policies which unduly burden employees and average American families.

For example, if a health plan increases co-payment charges for a working mother in Hartford, CT, as has been pointed out by Senator HARKIN, by more than 15 percentage points, it will lose the grandfather status. Or if a health care plan significantly reduces benefits for a family in New Haven, CT, it loses its grandfather status, as it should.

These are not unreasonable requirements as we strive to protect average families in our country.

My colleague from Wyoming and I disagree about this new law. We sat together day in and day out during those long markup periods. He is a good man, a good Senator, and a good friend. But I disagree with him strongly on this resolution. In my view, he wrongly claims this repeal would benefit small businesses. I say today that adopting this resolution would not only hurt small businesses but also roll back the important consumer protections that ended some of the worst insurance industry abuses across our country.

If we repeal the grandfather regulations, we will harm small businesses and their employees because nothing would protect them from the insurance companies raising premiums by double digits each year, without offering any new and better benefits to the very people who would suffer.

Nothing would protect them from insurance companies deciding to drop benefits or price them out of reach for these very employees.

This resolution would not guarantee the right to keep what you have. What this resolution does guarantee is that the insurance industry can decide what you are going to get from them—not what you want. That is the fundamental difference if we adopt this resolution.

Health reform changed that by handing control, as we all agreed on, back to you and your family. If we adopt this resolution we fundamentally shift that equation once again. In order to help small businesses more easily provide coverage to their workers and make premiums more affordable, the law provides tax credits for that coverage. In Connecticut alone, there are 54,000 small businesses that will benefit from these tax credits. This is just the first step toward bringing health care costs down, as we all want, and ensuring quality care, as we all want as well, for coverage of average Americans and their providers.

This resolution is not about small businesses and harming them. This is another effort to dismantle health reform, and I believe it is fundamentally wrong for thousands of small businesses and employees across the country. It is a gift to the insurance industry, which all of us agree should no longer be the ones to decide what you get based on what they want to charge you, but whether you have insurance and confidence you are going to get for your family what you need not what they decide you get.

For those reasons, I strongly oppose this resolution and hope my colleagues will join us in that effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. I yield up to 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, Congress meets in the District of Columbia. The District of Columbia is an island surrounded by reality. Only in the District of Columbia could you get away with telling the people if you like what you have you can keep it, and then pass regulations 6 months later that do just the opposite and figure that people are going to ignore it. But common sense is eventually going to prevail in this town and common sense is going to have to prevail on this piece of legislation as well. I support the resolution of Senator ENZI, disapproving the regulation on grandfathered health plans.

The partisan health care overhaul enacted last March and subsequent implementation represents so many broken promises that I hardly know where to begin. But the resolution of Senator ENZI certainly sheds some light on one of the most glaring broken promises we have seen so far, and is as good a place as any for us to start.

Time and again throughout the health care debate, supporters of the health care overhaul assured voters that even after their proposal became law, ''If you like what your current health plan is, you will be able to keep it.''

The administration's own regulations prove this is not the case. Under the grandfathering regulation, according to the White House's own economic impact analysis, as many as 69 percent of businesses will lose their grandfathered status by 2013 and be forced to buy government-approved plans.

The estimates are even more troubling if you are a small business. Again, according to the administration's own estimates in the regulation, as many as 80 percent of small employers will be forced out of their current plan and into a more expensive government-approved plan. It is no wonder that the grandfathering regulation is opposed by pretty much every employer organization in the country. The National Federation of Independent Businesses, the Chamber of Commerce, the National Association of Manufacturers, and the National Retail Federation have all weighed in against this burdensome and disruptive policy. In every one of those cases, businesses that are members of those organizations want to provide health insurance and have been providing health insurance for their employees, and they want to keep it. They were believing Congress when they said if you have what you like you can keep it, and now they are finding out otherwise.

It is true our economy is in a fragile place right now. Yet the implementation of the new health care law is creating more uncertainty and higher costs for American businesses. How can we ask them to go out and create jobs and hire new people when each new health care regulation adds another layer of bureaucracy and uncertainty? The White House should be making it easier to do business in this country, not harder.

This is not just about confusion, it is also about costs. When employers and individuals make even modest changes to their benefits and lose grandfathered status, they are forced to buy a new government-approved health care plan that in most cases will cost more than their current plan. That means the government will tell employers what benefits they have to cover, to whom they have to offer coverage, and how much they are going to have to contribute.

We have already seen data from health plans saying that the requirement in the new law could drive up premiums by about 9 percent. This is in line with the Congressional Budget Office's estimate that the overall increase in premiums could be as much as 10 percent to 13 percent. When you factor in medical inflation, some people are still seeing premium increases of 20 percent or more after the passage of the health care law.

What happened, then, to President Obama's promise about lowering premiums by $2,500? Are we supposed to add that to the list as another broken promise? Each day it seems as if another news story comes out that shows why the partisan health care overhaul was the wrong approach. Health plans are being forced out of the child-only market. Some have stopped selling in individual markets entirely. Premiums continue to go up at twice the rate of inflation.

The White House's own actuary is telling us that health care inflation will be worse now than it was before the health care reform bill became law. Over 1 million seniors are being forced out of their current national Medicare Advantage or Medicare prescription drug plans, and this is only going to get worse. Businesses are considering dropping retiree health care benefits and possibly dropping health care coverage altogether.

With these kinds of stories coming out on a daily basis, it is no wonder that polls are showing close to 60 percent of the American people opposed to this new law. I support the efforts of Senator ENZI and appreciate that he is willing to shed some light on this issue. There is a lot of misinformation out there and people need to understand what this health care overhaul means for them.

The grandfathering regulation is a clear violation of the promises made by supporters of the health care law that, if you like what you have, you are able to keep it. We owe it to our constituents to fix that misrepresentation.

I urge my colleagues to support the resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I yield up to 10 minutes to the Senator from Nevada, Senator ENSIGN.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, many Americans may be wondering what this huge stack of paper is that I have on my desk. Over 2,000 pages of this stack of paper represent the actual health care bill. The rest of the stack consists of the regulations that have been written to this point.

From what we understand, once the whole health care bill and regulations are written, this stack of paper will grow much higher; estimates are as much as 20,000 pages total. The complexity of the health care law is incredible. The resolution we have before us today concerns grandfathered health plan status. This regulation is one of those regulations that many of us believe is going to do damage to our health care system. I want to talk a little bit about the regulations under discussion today.

Over the last couple of months, I have gone around to many businesses in my home State of Nevada, to talk about many of these regulations as well as the health care bill. Let me tell you, many small business owners in my State are very concerned about what this health reform bill is going to do to their businesses. A lot of small businesses struggle to do the right thing by giving their employees health care. A lot of them cannot afford the Cadillac plans that a lot of big businesses have, but they are trying to do the right thing. Some businesses cover half of what their employees pay. Some businesses have slimmed-down plans. The vast majority of the health plans that small businesses offer would not meet the minimum standards that this health care bill is going to require.

Why is that important? The President said during the health care debate that if you like your plan you can keep it. If you like your doctor, if you like your plan, you will absolutely be able to keep it. There is a small detail he left out. The detail is this: If you change your health plan—and it does not have to be in a significant way—or if you change your copays—you could lose your grandfathered status. If you lose your grandfathered status you now have to comply with the minimum standards in the Federal law. That is a problem because, for most small businesses, these standards will dramatically increase the cost of their health insurance for their employees and a lot of them are barely keeping their doors open today. A lot of small businesses I talk to are actually putting pencil to paper and figuring out whether they are even going to be able to keep the plans they have today.

The advocates will say: Well, don't change your plan. The reality is that every single year, businesses look at the health care plans that they offer and almost every year they make changes to those health care plans. Under this regulation, if you make changes to your health care plan you could lose the grandfather status. That is a major problem.

According to the government's own statistics, by 2013 as many as almost 70 percent of all employer plans and 80 percent of small business plans will relinquish their grandfathered status. Those are the government's own estimates. Based on these numbers, it doesn't sound like everybody is going to be able to keep their plan, as the President talked about in his promises about this health care legislation.

In my view—and I think this view is shared by a lot of experts who are studying this health care plan, this bill is going to raise costs for those who currently have insurance. Think about it; if you are going to cover 30 million people there will be costs associated with that coverage. There was a $500 billion cut in Medicare and there was an increase in taxes. We know that a lot of different taxes were increased to pay for this bill. But the other pay-for in this bill, that was not officially scored as a pay-for, is that for people who have insurance—it is going to become more expensive for them because of a lot of the mandates in the bill.

We have seen recently, insurance company after insurance company, when they are going to their State commissions bringing forward fairly large increases.

I was talking to a small business owner the other day in Nevada. He told

me his plan is going up 38 percent. That was the lowest bid he could get; a 38-percent increase for this year. The insurance companies told him it is because of this health care bill.

I was on a telephone call yesterday. I did a telephone townhall meeting back in my State. A senior citizen was on the phone. He was telling me about his Medicare supplemental insurance that is covered by his union. The copays and the premiums for that were going up dramatically. He was wondering how he was going to be able to pay his rent. He has virtually no discretionary income, so any premium increase is going to make it tough for him. He is actually figuring out how he is going to be able to make his rent payments. Those are some of the unintended consequences with this bill and the regulations that are being written.

I think we need to take a second look at health reform. First of all, obviously I wish to see the health reform bill repealed and replaced with real health insurance reform that makes insurance more affordable. I support things such as buying insurance across State lines—similar to how we buy car insurance across State lines. I also wish to see us enact real medical liability reform that would lower the costs of health care in this country. All of these things would be good to make health care more affordable and accessible for more Americans as opposed to what we have today. But let's at least start this process by rejecting the regulations that are going to hurt the grandfathered-in status of a lot of these plans. If you take away grandfathered status from a lot of plans, a lot of small business owners are going to be hurt and a lot of people who work for small businesses are going to lose their health insurance. This is because the small businesses will not be able to afford to comply with this health care bill and the regulations that are associated with it.

I urge support of this resolution of disapproval. I appreciate Senator ENZI for bringing this resolution of disapproval of these regulations forward. I think this resolution is something the Senate should support and support in a bipartisan way.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield up to 8 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I rise in support of Senator ENZI's resolution of disapproval and thank him for that. It seems every day a new story comes out about the negative consequences of the health care reform law, and I cannot keep up with them. I know people involved in the health care industry are having a very difficult time also.

Do you remember the campaign pledge that health care reform would immediately reduce family's premiums by $2,500? Well, last week a slew, a slew of new mandates on health insurers, including coverage of preventative services without any cost sharing, restrictions on annual limits on coverage, and coverage of children up to age 26—I guess a child 25 is a child—took effect.

Many of them, in fact, may be beneficial to some Americans, but they will not come free. Health insurers have begun alerting their customers to the fact that these new mandates cost money, money that has to be charged in additional premiums. I think most Americans understand you cannot get something for nothing.

But instead of admitting that their policies are causing health insurers to raise their rates, the Obama administration has unleashed Health and Human Services Secretary Kathleen Sebelius to silence its critics by intimidation.

In a letter to America's health insurance plans, the Secretary explicitly threatens health insurers that do not toe the line on ObamaCare with exclusion from the State health insurance exchanges, which start in 2014. ''There will be zero tolerance for this type of misinformation and unjustified rate increases,'' she has warned. ''We will also keep track of insurers with a record of unjustified rate increases: those plans may be excluded from health care exchanges in 2014.''

Well, let's be clear about what the Secretary, on behalf of the President, is saying. She is threatening to shut down private companies for exercising their first amendment right to free speech, and she is keeping a list. Some have called this gangster government in the press. As a former newspaper man, I am shocked. I am stunned by my former Governor's actions. First, it was the gag order on Humana Insurance for daring to describe the consequences of slashing more than $100 billion from Medicare Advantage to the customers, now this.

This administration says it wants transparency. Well, transparency is a two-way street. It does not mean muzzling dissenting opinions or inconvenient facts because they are not advantageous to the administration. As the Wall Street Journal opinioned: ''They're more subtle than this in Caracas, Venezuela.''

Not only are the actions of the Obama administration unconstitutional, they are also extremely hypocritical in light of their own highly misleading rhetoric. For example, the President and Secretary Sebelius have been touting the recent decision of health insurer Blue Cross Blue Shield in North Carolina to issue rebates to its customers in the individual market as a supposed ObamaCare victory.

President Obama claimed this victory at a recent campaign stop in Virginia, saying that the insurance commissioners are newly empowered to look after consumers, that we are already seeing ObamaCare's new levels of accountability pay off.

Well, aside from the fact that most State insurance commissioners have had the ability to review rate increases for years, a fact that Secretary Sebelius, as a former Kansas insurance commissioner, knows all too well, they are leaving out another very important fact, the rest of the story.

What they are not telling you is, the reason why the insurer is paying out rebates is, because of ObamaCare, their plans in the individual insurance market will cease to exist in 2014. This means the reserves they have stored to protect their solvency are no longer necessary.

That is where the rebates are coming from, not some well of hidden profits. The insurer is paying the rebates out of their reserves because the plans will no longer exist. This is hardly a victory for the thousands of people enrolled in those plans. If that is not misleading, I do not know what is.

What about the Secretary's taxpayer-financed mailer regarding Medicare Advantage that was recently sent to seniors all across the country? This mailer misleadingly claims that Medicare Advantage enrollees will not see any changes to their benefits under ObamaCare. That is a claim that is demonstrably false.

Already we are seeing insurers such as Harvard Pilgrim drop their Medicare Advantage plans altogether as a result of these huge cuts. So actually thousands of seniors will see changes in their benefits. They will not have any. I urge the President and the Secretary to reconsider their use of these tactics which only serve to further erode the government's credibility with the American people and to insult their elected representatives.

In the United States of America, private citizens are not only allowed to disagree with the government, it is a cornerstone of our democracy. So I say to the Department of Health and Human Services and the administration, stop the gag orders and the intimidation. To HHS, do not tread on the first amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, while I am waiting for another speaker to come, I will make some additional comments.

Mr. HARKIN. Mr. President, can I ask how much time is remaining?

The PRESIDING OFFICER. There is 27 minutes on the Senator's side and 21 minutes on the other side.

Mr. ENZI. Mr. President, I just wish to get a few things read into the RECORD. I have a list of 54 organizations that are supporting my resolution. They include the Latino Coalition, the Chamber of Commerce, the Coalition of Affordable Health Coverage, the Health Care Leadership Council, the National Federation of Independent Business, the National Restaurant Association, the Small Business and Entrepreneurship Council, to name just a few of the 54.

I ask unanimous consent to have printed letters of support from the Chamber of Commerce, the National Association of Health Underwriters, the National Association of Manufacturers, the National Federation of Independent Business, the National Retail Federation, the Small Business Entrepreneurship Council, and the Associated Builders and Contractors, all of which are in support of this and I suspect will be key voting this particular resolution.

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

(See exhibit 1).

Mr. ENZI. The Chamber of Commerce, for instance, says:

> The administration released an extremely complex regulation that makes it virtually impossible for plans to maintain grandfathered status, instead subjecting them to many expenses and burdensome new requirements. In our view, this regulation violates Congressional intent, and does not live up to the promises of proponents of the new law.

NFIB, a small part of their letter says:

> If required to comply with the administration's interim final rule, millions of small businesses will be forced out of the plans they know and like—

Which means their employees lose the plans they know and like.

The Associated Builders and Contractors say:

> The grandfathered rule demonstrates a fundamental failure of the Federal Government to understand the needs of small businesses. With the current unemployment rate of 17 percent, the construction industry cannot endure another cost increase at the hands of the Federal Government. It is unfortunate that the Federal Government continues to fail to provide employers and their employees with health care solutions that are practical or affordable.

Earlier, there were some mainstays of health care that—I think there was an aspersion I was getting rid of with my resolution. I want you to know that if the resolution passes, businesses will still be prohibited from discriminating against someone with preexisting conditions, businesses will still be prohibited from imposing annual limits on benefits, all plans will still be prohibited from imposing lifetime limits on benefits, all plans will still have to cover kids under the age of 26 on their parents' plan, all plans will still be prohibited from canceling coverage because of a paperwork error.

All those things will exist when this resolution passes, and this resolution needs to pass. All those things that I mentioned, preexisting conditions, annual limits, lifetime limits, children under the age of 26, and canceling coverage for paperwork errors, all those cost money. That is why the price is going up at the present time.

The price is going up at the present time. This was supposed to be cutting costs. Help does not arrive until 2014. But small businesses, particularly small businesses, are going to be required to meet this grandfathering rule now. They cannot afford the grandfathering rule now. Another thing I am objecting to is watching television and seeing an old favorite of mine, Andy Griffith, getting paid, at taxpayer expense, to tell us that this whole deal is excellent.

You saw the stack of regulations over there. They estimate there will be 100 pages of regulation for each page of that bill. There are 2,700 pages in the bill. That means there are going to be 270,000 pages of regulations. We do not legislate that way. We try and fill in those blanks. You do not even know what those blanks are going to hold yet, neither does small business.

They already know these are things that are going to drive up cost in the beginning, with no cost-cutting opportunity, and then the grandfathering rule kicking in right away, which means for 3 years, before they even know what some of those regulations are going to be, they are going to have to constrain everything in their organization within 15 points, as is pointed out, and we can expect the first year's increases to be even greater than the 15 points.

But they will try and stay with that grandfathered plan because it is what they can afford and it is what their employees like. So we are trying to keep people in the insurance they like. It is an employee request. I also noticed one of the Senators mentioned the Marshall Plan that was not liked when it was first passed; and the Civil Rights Act that was not liked when it was first passed.

I would like to point out those were both very bipartisan acts that were passed—bipartisan. It was not a partisan bill. You would have to notice that a lot of these people have been mentioning this was all passed by one side of the aisle, and there was a lot of warning before that if you do things in a hurry and you do it just partisan, that you do not devote the time that is necessary or put it in a small enough package that people can understand it.

There are vast parts of this that people did not get to read before they passed it. It is particularly noted on the House side. That leads to the kinds of difficulties we have now. We also turn over to bureaucrats writing the rules, and this is one of the examples, and we have a chance to overturn that at this point. They can go back and rewrite it again.

But, at this point, we can say: No, enough is enough. You cannot put all these things into place. You cannot kick people out of their insurance and let's see what happens in 2014 when we have all the regulation. So I think we have put a lot onto businesses that does increase cost. Because we do—even when this passes, we will still prohibit discriminating against someone with a preexisting condition, we will still prohibit imposing annual limits on benefits, we will still prohibit imposing lifetime limits on benefits. All plans will still have to cover kids under the age of 26. Although, I have noticed a whole bunch of the companies now are not going to write some of the plans that would do this, and they are getting out of the business. But all plans will still be prohibited from canceling coverage because of a paperwork error. Those drive up costs.

Relief is not in sight until 2014.

I yield the floor and reserve the remainder of my time.

EXHIBIT 1

LIST OF 54 ORGANIZATIONS SUPPORTING S.J. RES 39

Aetna; American Council of Engineering Companies; American Osteopathic Association; American Rental Association; American Road & Transportation Builders Association; AMT—The Association For Manufacturing Technology; Associated Builders and Contractors; Association of Clinical Research Organizations; Assurant Health; Automotive Recyclers Association; Chamber of Commerce; Cigna; Coalition for Affordable Health Coverage; Communicating for America; Furniture Dealers Association; Health Equity; Healthcare Leadership Council; Independent Electrical Contractors; Inc; International Franchise Association; International Foodservice Distributors Association.

International Housewares Association; Manufacturers' Agents Association for the Foodservice Industry; National Association for Printing Leadership; National Association of Health Underwriters; National Association of Insurance and Financial Advisories; National Association of Manufacturers; National Association of Mortgage Brokers; National Association for the Self-Employed; National Association of Wholesaler-Distributors; National Club Association; National Federation of Independent Business; National Office Products Alliance; National Restaurants Association; National Retail Federation; National Roofing Contractors Association; National Tooling and Machining Association; Northeastern Retail Lumber Association; NPES The Association for Suppliers of Printing, Publishing and Converting Technologies; Office Furniture Dealers Alliance; Pediatrix.

Pharmeceutical Research & Manufacturers Association; Plumbing-Heating-Cooling Contractors—National Association; Precision Machined Products Association; Precision Metalforming Association; Printing Industries of America; Self-Insurance Institute of America; Service Station Dealers of America; Small Business & Entrepreneurship Council; Small Business Coalition for Affordable Health Care; Specialty Equipment Market Association; Textile Care Allied Trades Association; Tire Industry Association; Turfgrass Producers International; The Latino Coalition.

THE SPIRIT OF ENTERPRISE,
U.S. CHAMBER OF COMMERCE,
Washington, DC September 27, 2010.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges you to support S.J. Res. 39, a resolution of disapproval that would repeal the onerous grandfathering regulations promulgated pursuant to the Patient Protection and Affordable Care Act.

The President and many other proponents of the new health care law repeatedly promised, ''if you like the plan you have, you can keep it,'' and the grandfathering provision was meant to ensure this promise. The statute contained a few short paragraphs specifying that a plan operating when the bill was

enacted could continue to operate as before; new employees and dependents of employees could also be added to the plan. The provisions demonstrate Congress clearly intended to preserve maximum flexibility for employer plans and those currently in operation.

However, the Administration released an extremely complex regulation that makes it virtually impossible for plans to maintain grandfathered status, instead subjecting them to many expensive and burdensome new requirements. Rather than allowing plans to continue operating in the manner they are accustomed to, the regulation specifies numerous ways by which such plans would lose grandfathered status. Thus, many existing plans would be forced to change in order to comply with an array of new mandates. In our view, this regulation violates Congressional intent, and does not live up to the promises of proponents of the new law.

Due to the critical importance of this issue to the business community, the Chamber strongly urges you to support S.J. Res. 39. The Chamber may consider votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION
OF HEALTH UNDERWRITERS,
Arlington, VA, September 28, 2010.

Hon. MICHAEL B. ENZI,
Ranking Member, Committee on Health, Education, Labor and Pensions, U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR ENZI: On behalf of the National Association of Health Underwriters (NAHU), which represents more than 100,000 health insurance agents, brokers and employee benefit specialists involved on a daily basis in the sale and service of private health plans, I am writing to convey our support for your resolution of disapproval (S.J. Res. 39) to overturn the so-called grandfather rule in the Patient Protection and Affordable Care Act (PPACA).

As you know, throughout the legislative debate on health system reform, President Obama and congressional leaders repeatedly stated that ''if you like the coverage you have, you can keep it.'' Unfortunately, the proposed interim final rule (IFR) on grandfathering issued this past June follows a rigid path in defining the requirements for ''keeping what you have,'' which our professional benefit specialist members conclude will have a negative impact on employers large and small, their employees and their families. The complex and inflexible requirements could ultimately undermine the ability of employers to continue to provide existing health coverage for their employees.

The current grandfather IFR has not provided adequate guidance on various scenarios employers and consumers may encounter and, as such, there are many questions about the allowable changes that may be made to employer plans and the risk of losing grandfathered status. Once grandfathered status is lost, employers will be forced to follow a number of expensive new insurance rules, which will increase costs for employers and employees, threatening the coverage Americans currently have.

The Departments of Treasury, Labor and Health and Human Services own estimates indicate that the complex and restrictive IFR regime would effectively make grandfathering temporary: More than half of all employers, and two-thirds of all small employers, will relinquish their grandfathered health plans by the end of 2013.

Barring employers from changing insurance carriers or increasing cost sharing percentages of any level, for example, severely limits the ability of employers to maintain their grandfathered status. Other requirements to maintain grandfathered status, such as limits on the increases for fixed-amount cost sharing, are simply out of touch with the individual and small-group insurance markets since most employers have little control over the plan designs offered in the small-group and individual market.

In addition, the current grandfather rules do not afford protections for individuals and employers who lose their grandfathered status through no fault of their own. For example, if an individual or employer's health insurance carrier pulls out of a state marketplace, the only option the consumer has is to buy a new non-grandfathered policy or cease to be covered altogether. Unfortunately, our members report that a number of carriers are vacating many health insurance markets as a result of PPACA provisions, particularly in the individual and limited benefit plan markets, and that millions of their clients will be affected.

Our members also report that many large health insurance carriers are reorganizing all of their policy offerings as a means of streamlining administrative expenses. So while an individual or employer may be offered identical benefits through the carrier, their contractual dates may shift and they may technically be sold a new policy offering. Such administrative simplification moves may inadvertently cause millions to relinquish their grandfathered status.

We are very concerned that a great number of individuals and employers will be left with even less choice and flexibility and will be faced with the difficult choice of paying more to maintain grandfathered coverage, shopping for a new (and more expensive) plan or possibly dropping it entirely.

A workable and sustainable grandfathering protection framework should be aimed at achieving a number of important health reform objectives: (1) to promote stability during the transition to full health care reform by ensuring that Americans have a choice of keeping their current coverages; (2) to allow individuals to better control their health care costs; (3) to preserve affordable coverage options and limit disruption of coverage for currently insured individuals; and (4) to lessen the potential for regulatory uncertainty.

Unfortunately, the current grandfather rules fall short of these objectives on a number of levels. As such, we very much support your resolution of disapproval of the current grandfather rules, and hope that Congress and the Administration can work together toward a more sensible and sustainable policy moving forward.

Sincerely,

JANET TRAUTWEIN,
Executive Vice President and CEO.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
Washington, DC, September 23, 2010.

Hon. MICHAEL ENZI,
Ranking Member, Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.

DEAR RANKING MEMBER ENZI: The National Association of Manufacturers (NAM)—the nation's largest industrial trade association—urges you to support S.J. RES. 39, a ''resolution of disapproval'' to prevent implementation of the Interim Final Rule defining grandfathered health plans under the Patient Protection and Affordable Care Act.

The grandfather rule, as currently drafted, does not meet the standard on which the push for reform was predicated—insure the uninsured and allow those with coverage to keep an existing plan. The Department of Health and Human Services' own analysis determined that up to 80 percent of existing small plans will lose their grandfathered status. Employers are proud to offer their employees health insurance, and freezing this benefit limits employers' ability to provide quality coverage.

Currently, 170 million people receive insurance from their employers. Under the new law, the health plans covering these employees were to have grandfathered status and were not to be subjected to the broad insurance market reforms necessary for newer plans. This exemption was intended to allow employees to keep the coverage they currently have and with which they are most comfortable. However, the Interim Final Rule limits the ability of these plans to make routine modifications that will control the rising health care costs crippling many manufacturers.

The rule also removes grandfathered status from those who are fully insured if they change issuers. This eliminates the ability of many smaller businesses to negotiate with insurers to obtain lower rates. Those that are fully insured should be able to negotiate with competing issuers and maintain grandfathered status if they change issuers. This would allow for a competitive marketplace, keep costs down and create parity for smaller businesses that, without a large pool of insured to manage costs like most self-insured plans, use the competition of an open market to lower costs. As a result, the current rule places small businesses at a significant disadvantage.

Ninety-seven percent of NAM members provide health insurance to their employees. Manufacturers are proud to provide health care to their employees and would like to continue that benefit. The rule, as it stands, will decrease competition and create a stagnant, uncompetitive and more expensive insurance market.

The Senate should disapprove this rule because it will unnecessarily disrupt the current employer-based system, which provides coverage to millions of Americans. As manufacturers face tremendous uncertainty in these challenging economic times, Congress should not allow a federal agency to issue regulations that harm manufacturers' ability to create and retain jobs.

On behalf of manufacturers, we urge your support for S.J. RES.39 and look forward to working with you on our shared goals for a strong economy and job creation.

Sincerely,

JOE TRAUGER,
Vice President,
Human Resources Policy.

SEPTEMBER 28, 2010.

Hon. MIKE ENZI,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ENZI: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing in support of S.J. Res 39, the Enzi disapproval resolution regarding the Interim Final Rule on grandfathered plans under the Patient Protection and Affordable Care Act (PPACA). The vote in support of the motion to proceed to S.J. Res 39 will be considered an NFIB Key Vote for the 111th Congress.

NFIB believes the Administration has overstepped its legal authority under PPACA in writing regulations that go beyond the legislative authority embedded in the statute. A strict reading of Section 1251 in the Act clearly outlines what defines a grandfathered plan. However, through its Interim Final Rule the government inappropriately reinterprets the intent of Congress by narrowing the scope of how plans qualify to retain grandfathered status.

The Interim Final Rule appears to be based on an assumption that coverage choices should be narrowed in the run up to 2014. Nothing in the statutory language of the PPACA supports this assumption. In fact, interpreting the PPACA so that it narrows the range of coverage choices is inconsistent with the spirit of the Act, as well as the letter of the law.

If Congress is unable to overturn the Interim Final Rule, NFIB remains deeply concerned that the new regulations will most heavily impact small, rather than large businesses. As written, the Interim Final Rule is so restrictive that the rule provides small businesses with little to no flexibility to keep their plan.

The precedent set forth by this Interim Final Rule is especially detrimental for the men and women who currently have coverage through small businesses. Millions of Americans rely on small business plans for their health coverage, and must continue to rely on those plans until at least 2014 when new purchasing options become available. However, if the Interim Final Rule is not overturned, the government's own analysis confirms what many small businesses fear most—that upwards of 80 percent of small employers could lose the plan they have today by 2013.

NFIB strongly supports the Enzi resolution of disapproval. As the 111th Congress comes to a close, Congress must restore the true meaning of ''if you like what you have today, you can keep it.'' If required to comply with the Administration's Interim Final Rule, millions of small businesses will be forced out of the plans they know and like. Thank you for your hard work on behalf of small business, and NFIB looks forward to working with you to address this critical issue.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

SEPTEMBER 27, 2010.

Hon. MIKE ENZI,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ENZI: I write to lend the support of the National Retail Federation (NRF) to the resolution of congressional disapproval (S.J. Res. 39) you have recently introduced to block the ''grandfathered plan'' regulations. We strongly support and endorse your effort and urge that the resolution be promptly adopted.

We are also concerned that regulators have taken too narrow a view of the grandfathered plan regulation. NRF's formal comments (submitted on August 16, 2010) noted in part that: ''[o]ur concern is that the [interim final regulation's] rigid, trip-wire rules make it entirely too possible (if not probable) that a plan that elects grandfathered plan status will not be able to maintain that status for long. Many plans may not even bother to elect grandfathered plan status.'' Our letter recommended several specific steps to improve the grandfathered plan regulation:

1. Allow employers to change insurance carriers without losing grandfathered status provided that: The coverage is actuarially equivalent or better, and that provider networks are substantially equivalent; prohibiting a change in carriers will needlessly inhibit competition bases on price and quality of service.

2. Allow for improvements in prescription drug formularies and provider networks without jeopardizing grandfathered plan status. New drugs come onto the market with great regularity and medical practice changes quickly. Formulary changes in the interest of plan beneficiaries are appropriate and necessary. Provider networks require regular maintenance to allow for retirements, addition of new providers and to maintain network quality. Reasonable changes that do not compromise ongoing treatment should be allowed.

3. Provide greater flexibility to manage future medical inflation. Changes in fixed dollar cost sharing should be made on a year-to-year basis rather than be based on March 23, 2010 and percentage increases from that.

We strongly concur with your view that a formal resolution of congressional disapproval is the appropriate next step under existing law. We urge its prompt adoption. Again, NRF commends you for introducing this legislation.

Sincerely,

STEVE PFISTER,
Senior Vice President, Government Relations.

SMALL BUSINESS &
ENTREPRENEURSHIP COUNCIL,
Oakton, VA, September 23, 2010.

Hon. MIKE ENZI,
Ranking Member, Health, Education, Labor and Pensions Committee, Senate Russell Office Building, Washington, DC.

DEAR SENATOR ENZI: On behalf of the Small Business & Entrepreneurship Council (SBE Council), I am writing to applaud you for introducing a Resolution of Disapproval (S.J. Res. 39) relating to the rule on ''grandfathered plans'' issued by the U.S. Department of Health and Human Services (HHS). The rule, as written, is in clear violation of President Obama's promise that Americans would be able to keep the health plans they currently have upon passage of the Patient Protection and Affordable Care Act (PPACA). In addition, we believe that HHS has taken creative license in its interpretation of PPACA, bringing an ideological bent that is not supported by the statutory language.

SBE Council strongly supports your Resolution. Without its successful passage most small business owners and their employees will lose the health coverage they currently enjoy.

Small business owners and the self-employed were promised by President Obama and supporters of PPACA that they could keep the plans they currently have under the legislation. However, this promise has turned out to be false and small business owners feel betrayed by what transpired during the rule-making process, as well as what is occurring in the insurance marketplace. In order to qualify for grandfathered status, small business owners must stay with their current carrier and not significantly alter their current health plan or coverage. If their current carrier significantly raises their premiums, small business owners cannot shop around for more affordable plans or they will risk losing grandfathered status. The alternative is to move to another carrier and face more costly coverage mandated by the new health care law. In sum, small business owners are rendered helpless by this catch-22 rule.

Rather than helping small business owners and their workforce keep their plans, it appears the rule has been rigged to force most small businesses and their employees out of grandfathered status. We are aware that HHS estimates, worst case, 80 percent of small business owners will lose their current health plans. SBE Council believes 80 percent is the likely scenario, if not a conservative figure.

The consequence of the rule is obvious—more small business owners will drop coverage. Hiring will remain weak and jobs will be lost. This was not the promised outcome of PPACA.

Senator Enzi, SBE Council shares your desire to overturn this unjust rule. We applaud your leadership, and will do what it takes to see that S.J. Res. 39 advances into law.

Sincerely,

KAREN KERRIGAN,
President & CEO.

ASSOCIATED BUILDERS
AND CONTRACTORS, INC.,
Arlington, VA, September 28, 2010.

Hon. MIKE ENZI,
United States Senate.

DEAR SENATOR ENZI: On behalf of Associated Builders and Contractors (ABC), a national association with 77 chapters representing 25,000 merit shop construction and construction-related firms with 2 million employees, we are writing to express our strong support for S.J. Res. 39, which would overturn the recently issued rule relating to status as a grandfathered health plan under the Patient Protection and Affordable Care Act (PPACA).

Throughout the health care reform debate, ABC advocated for policies that reduce the cost of health care for employers and their employees. ABC called on Congress to advance commonsense proposals that would address the skyrocketing costs of health insurance, especially for employer-sponsored plans, and the rapidly rising number of uninsured Americans. ABC believes true reform should provide greater choice and affordability and allow private insurers to compete for business.

Unfortunately, the new health care law will do nothing to reduce the cost curve; instead it simply will enroll more Americans into a broken and unsustainable health care system. Specifically, the recently issued grandfather rule will increase, rather than decrease, costs for small businesses.

On June 17, the Departments of Health and Human Services, Labor and Treasury issued an interim final rule relating to a plan's status as a ''grandfathered health plan'' under PPACA. As part of the Small Business Coalition for Affordable HealthCare, ABC and several other organizations filed comments expressing concern that the grandfather rule is overly restrictive and could make it even more likely that small businesses will choose to drop their plans prior to 2014 as they are faced with unsustainable premium increases. Instead of lowering the number of uninsured Americans, the rule could actually increase the number of uninsured before the health care law is fully enacted.

The coalition also pointed out that neither PPACA nor the grandfather rule address the core problem facing small businesses: the rising costs of health care. Instead, the rule strips small employers of the ability to exercise flexibility in adjusting to cost increases in order to maintain their current plan.

The grandfather rule demonstrates a fundamental failure of the federal government to understand the needs of small businesses. With a current unemployment rate of 17 percent, the construction industry cannot endure another cost increase at the hands of the federal government. It is unfortunate that the federal government continues to fail to provide employers and their employees with health care solutions that are practical or affordable.

Once again, ABC strongly supports S.J. Res. 39 and we commend you for introducing a resolution that is intended to reduce health care costs for a struggling sector of our economy: small businesses. We look forward to working with you in the future on commonsense health care initiatives.

Sincerely,

BREWSTER B. BEVIS,
Senior Director, Legislative Affairs

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself such time as I may consume.

I have to say to my friend from Wyoming: Where did that come from—100 pages of regulations for every page that is in the bill? That is going to be 200,000 pages of regulations. Where did that come from? It sounds like it came from the health insurance industry to me. Boy, I tell you, that is quite a figure. Well, obviously, it is a bogus number, and I do not know where that figure came from. I would like to ask my friend where that did come from.

But I say to my friend from Wyoming, the Senator just said there is no help—I wrote it down here as fast as I could—no help for small businesses until 2014.

Wait a minute. Wait a minute. In the Affordable Care Act, we attached—in the tax bill that Senator BAUCUS got through the Finance Committee, small businesses, beginning this year, 2010, will receive a tax credit—a tax credit, not deduction, a tax credit—of up to 35 percent of the cost of an employee's health insurance.

So you have a small business, prior to this year, that did not get a tax credit, I say to my friend from Wyoming. I mean, the Republicans ran this place for 8 years under George Bush—8 years. They had a Republican President, Republican Senate, Republican House. They did not give small businesses any tax breaks for health insurance. We did. It is in the bill, a 35-percent tax credit this year for small businesses. That would cover 83.7 percent of all small businesses in the country. That is quite a bit of help for small business.

I have heard from small businesses in my State that can get that tax credit this year that they have never had before. A lot of these small businesses are small businesses that employ just a few people—10, 12. They know their employees. They go to the same churches, schools. They are neighbors. I can't tell my colleagues how many small business owners in Iowa have told me: I feel so bad. Because of the increasing costs of health insurance, whether they are increased copays or deductibles, cutting out benefits, I have had to increase the cost of health insurance to my employees to the point that it is almost not worth it anymore because of high deductibles.

They feel badly about it because these are their friends, neighbors. They are related a lot of times. I have had them come to me and say: Finally, this year I can get a tax credit, up to 35 percent.

Quite frankly, in my State, 90.8 percent of small businesses will get the maximum 35 percent tax credit. Small businesses don't have to wait until 2014 to get help; they are getting that help right now.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HARKIN. I am delighted to yield to my friend from Illinois.

Mr. DURBIN. I would like to ask the Senator from Iowa, if the Senator from Wyoming prevails in what he is seeking to do this morning, it is my understanding that almost half the people in America who currently have health insurance through their employers, people who are so-called grandfathered in under this bill, would not get the new protections that are coming in the law, protections that say that under their health insurance, they will not be subject to a lifetime limit. For example, if someone gets into long-term cancer therapy that is going to be very expensive over a long period and the insurance company decides halfway through they will cut them off, we now protect people so that they can continue to get the care they need. They can't be limited.

Isn't it also true that the effort of the Senator from Wyoming would protect the right of the insurance companies to literally cancel one's policy because of an error made in the application for the policy, to rescind the policy?

I might add, it is my understanding that this rescission is abused in my State more than any other in the Nation. The rescission rate on health insurance in Illinois is three times the national average. We have had over 5,000 people who have had their health insurance canceled. When they went to the company and said: I am facing surgery, I am facing cancer therapy, and I need coverage and want to make sure I have it, they ended up getting their policies canceled.

I ask the Senator, would the effort by the Senator from Wyoming take away these protections we are now building into the law to make sure health insurance is there when people need it the most?

Mr. HARKIN. Mr. President, we have two things here. We have the Patients' Bill of Rights which just went into effect. That covers everybody. That covers all plans. That covers grandfathered plans. They can't escape that. However, if a plan wanted to be grandfathered, we left it up to the Department to write rules and regulations as to what grandfathered means. For example, let's say the Senator from Illinois and I have a contract. We both have agreed to it. We say we are going to let that contract go into the future. After a certain date, you are grandfathered in that contract.

What the Senator from Wyoming would say is that if you are the insurance company and I am the individual covered, we will grandfather it, but you can change it any way you want. You can raise my copay. You can raise my deductible. You can reduce the annual limit on claims you will pay. You can eliminate benefits, such as the Senator just pointed out, for cancer or diabetes. And guess what. You would still be considered grandfathered. But I am stuck with that. That is what is so important here. That is what people have to understand about what the Senator from Wyoming is trying to do. He is saying that basically we will grandfather it in, but the insurance companies can change it however they want, and you are stuck with it.

Mr. DURBIN. So if the Senator from Wyoming prevails and I am one of the grandfathered plans—in other words, I have my health insurance plan that I like through my employer—my health insurance company on my grandfathered plan can literally cut me off when I need health insurance the most, can literally put a limit on the amount they are going to pay on an annual basis?

Mr. HARKIN. That is right.

Mr. DURBIN. Can really take away my health insurance protection.

I ask the Senator from Iowa, hasn't he heard, as I have from people in my State, how vulnerable they are when you empower health insurance companies to bail out when you need them the most? If we voted with the Senator from Wyoming, we would empower the health insurance companies at the expense of vulnerable people who may face an accident or a diagnosis tomorrow that changes their lives. Isn't that what this gets down to in its most basic form? Do we want to give power to the people who are insured or power to the health insurance companies? As I understand the Senator from Wyoming, he thinks the health insurance companies should have the power and we should not be providing protection to the people who need it most.

Mr. HARKIN. That is the way I see it. It just seems that we have rules and regulations. What the Department has said is that, OK, to be a grandfathered plan, you have to fall under these items: You can only raise your copayment a certain amount. By the way, it is quite a bit. You can raise your copayment either the greater of 5 bucks or medical inflation plus 15 percent. That is pretty good. It says you can change different things but within certain limits. They can't, for example, raise your coinsurance charges—that is, if you have a percentage. For example, if it is 20/80, they can't just raise that. It has to stay the same percentage. They could raise the copayment if it is a dollar amount.

That is why the Senator from Illinois is so right. If this resolution passes, all of the protections for consumers are wiped out.

Mr. ENZI. Will the Senator yield for a question?

Mr. HARKIN. On whose time?

Mr. ENZI. I am about out of time.

Mr. HARKIN. How much time remains?

The PRESIDING OFFICER. The Senator from Iowa has 17 minutes, and the Senator from Wyoming has 13½ minutes remaining.

Mr. HARKIN. Mr. President, I will be glad to yield time if he will yield me time if I have a question.

Mr. ENZI. Certainly.

The Senator from Iowa is not answering the same question the Senator from Illinois is asking. I did say that when the resolution passes, they would

not be able to discriminate on preexisting, they would not be able to impose annual limits. They will not be imposing lifetime limits. They will have to keep people until age 26, and they will not be able to cancel it for paperwork error. I think that is the question the Senator from Illinois was asking, not the copays and those things.

Mr. HARKIN. I did respond that the bill of rights applies to all plans.

Mr. ENZI. All plans, even if the grandfathering clause is taken out?

Mr. HARKIN. Absolutely. I made that very clear. The bill of rights that came into effect stays for everything. But what I am saying is that the Senator is right, and I responded that way concerning the bill of rights. But what doesn't apply to grandfathered plans are preventive services that are covered with no cost. That is not covered. The right to an appeal to a third party is not covered. Restrictions on annual limits is not applied. They can put annual limits on coverage under these grandfathered plans. Direct access to OB/GYNs without a referral is not part of the Patients' Bill of Rights. No higher cost sharing for out-of-network emergency services, no prior authorization requirement for emergency care—none of that is in the bill of rights. So all of that is wiped out by the resolution of the Senator from Wyoming.

Again, for emphasis, you have a contract. You work for an employer. They have a plan. You are part of that plan. If you like that plan, you can stay with it. My friend from Wyoming said: Only in Washington, DC, could they say, if you like your plan, you can stay with it, and then they change it. No. Only in the health insurance industry, perhaps in the Republican philosophy, would you say that you can grandfather a plan, but you the consumer are stuck if the insurer wants to change it any way he wants to change it, with the exception of the bill of rights. They could raise your copayment, they could take away your right of access to an OB/GYN without referral, and all the other things I mentioned.

If your insurer dramatically raises your copayment, that is not what you signed up for. That was not the plan you signed up for. If your insurer dramatically raises your deductible, that is not what you signed up for. If your insurer reduces the annual limit on claims they will pay, that is not what you signed up for. If your insurer eliminates covered benefits, such as cancer or diabetes, that is not what you signed up for.

We are saying: You have a plan here. You signed up for it. You like it. You can keep it.

But what if your insurer comes along and says: Guess what. We are not going to cover it if you get diabetes, and we are going to put an annual limit on claims we will pay, and we are going to raise your deductible by a huge amount. Is that the plan you signed up for? No. So why should you be stuck with that? Why should that be a grandfathered plan?

A grandfathered plan means a plan that was in existence before April of this year that you like but which is not changed dramatically on you by your insurer. So if you have a grandfathered plan, you are fine. What the Department did is that they issued regulations to define what that is. Quite frankly, I thought they were very lenient. For crying out loud, they can raise your copayment by the greater of $5 or medical inflation plus 15 percent. Fifteen percent of medical inflation sounds like a lot to me. That is quite lenient.

Again, my friend had a lot of letters he included for the RECORD. I would like to insert letters in opposition from the Small Business Majority, from the Center for Budget and Policy Priorities. Here is a letter signed by the American Cancer Society Cancer Action Network, the American Diabetes Association, the American Heart Association, Families USA, the National Partnership for Women and Families, National Women's Law Center, SCIU, and U.S. PIRG. I also have letters from Health Care for America Now, Service Employees International Union, the AARP, and Trust for America's Health. I ask unanimous consent to have these letters printed in the RECORD.

All are in opposition to the Enzi resolution.

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

SMALL BUSINESS MAJORITY,
Sausalito, CA, September 28, 2010.

Hon. TOM HARKIN,
Chair, Senate Committee on Health, Education, Labor and Pensions, Senate Dirksen Office Bldg., Washington, DC.

Hon. MIKE ENZI,
Senate Russell Office Bldg., Washington, DC.

DEAR SENATORS: Small Business Majority strongly opposes S.J. Res. 39—a resolution of disapproval that would prevent implementation of the grandfathering regulations under the Patient Protection and Affordable Care Act. This unnecessary resolution would impede the orderly and responsible implementation of comprehensive reform—which would deny small businesses and their employees the protections reform provides, and make it more difficult for them to access affordable care.

The passage of healthcare reform was a huge victory for small businesses, many of whom are being crushed under high healthcare costs and were looking to reform to give them some relief. However, there are small businesses that like their existing plans and want to keep them. The legislation allows them to do so. But these plans must continue to resemble their current form and also must work in the context of overall reform.

The regulations issued by Health and Human Services on June 15 strike the right balance. They require that the existing plans don't increase costs more than 15% above medical inflation and that they don't disturb reforms that will be put in place in 2014—such as prohibiting insurance companies from denying coverage due to preexisting conditions. We found from extensive opinion polling that these requirements address small business owners' biggest concerns: controlling costs and the elimination of preexisting condition rules. While we believe the regulations make sense, they aren't set in stone; HHS is open to making additional changes based on small business input.

Small Business Majority continues to support healthcare reform. Small businesses are the lifeblood of our nation's economy and shouldn't be denied the benefits reform provides, which is why we urge you to vote against this counterproductive resolution.

Sincerely,

JOHN ARENSMEYER,
Founder & CEO.

[From Off the Charts, Center on Budget and Policy Priorities, Sept. 29, 2010]

ENZI PROPOSAL WOULD THREATEN MARKET REFORMS IN AFFORDABLE CARE ACT

The Senate is expected to vote today on a proposal from Senator Mike Enzi (R–WY) to overturn federal regulations related to some of the Affordable Care Act's key health insurance market reforms that took effect last week.

The regulations define ''grandfathered plans.'' Here's why this definition matters. Among other things, the new health reform law would require health plans to cover preventive care without cost-sharing, undergo reviews to see if their premium rate increases are unreasonable, and offer enrollees the choice of their primary care provider. But plans that existed when the law was enacted on March 23, 2010—known as ''grandfathered'' plans—aren't required to comply with these reforms.

The regulations define how much a grandfathered plan can change before it is considered a new plan that must abide by these new reforms and consumer protections. As we explained in a recent fact sheet, they strike a good balance for consumers, allowing people to keep the plans they have while ensuring that consumer protections kick in if an insurance company reduces a plan's benefits or raises consumers' out-of-pocket costs significantly.

Repealing the regulations, as Senator Enzi is proposing, would confuse consumers, employers, and insurers about which plans are grandfathered and which plans have to comply with market reforms. As a result, it would threaten the implementation of the immediate market reforms, thus making the insurance market less stable and would likely leave many consumers without access to critical protections the Affordable Care Act provides.

In short, the Enzi proposal—which would require just 51 votes to pass—would be a significant step backward.

SEPTEMBER 29, 2010.

DEAR SENATOR: The undersigned organizations write to you to express opposition to Senate Joint Resolution 39, Disapproval of Grandfathered Health Plans, filed by Senator Mike Enzi. The resolution would block key insurance reforms included in the Affordable Care Act that protect consumers and ensure high quality, affordable care.

Specifically, the resolution would eliminate an interim final rule issued by the Departments of Health and Human Services, Labor and Treasury in June that clarified important consumer protections. Many provisions in the Affordable Care Act apply to all plans, new and existing. However, some provisions only apply to new plans. The rule outlines how health insurance plans could maintain or lose their ''grandfathered'' status.

The rule, issued by the Administration, strikes the right balance between protecting consumers and providing stability and flexibility for employers. Specifically, the rule

prohibits plans from significantly cutting or reducing benefits, increasing copays by an excessive amount, dramatically raising deductibles or decreasing employer contributions that result in an increase in workers' share of premiums. If plans significantly raise out-of-pocket costs for consumers, they lose their ''grandfathered'' status and would be considered a new plan, subject to further requirements in the law. Senator Enzi's resolution would completely eliminate the rule, making it impossible to enforce important consumer protections against potential insurance company abuses. If enacted, the resolution would put consumers' rights in jeopardy.

We strongly urge you to stand up for American families and vote ''no'' on SJ Resolution 39.

Sincerely,

American Cancer Society Cancer Action Network.
American Diabetes Association.
American Heart Association.
Families USA.
National Partnership for Women and Families.
National Women's Law Center.
SEIU.
U.S. PIRG.

HEALTH CARE FOR AMERICA NOW!,
Washington, DC, September 28, 2010.

DEAR SENATOR: On behalf of Health Care for America Now, we urge you to oppose the Joint Resolution of Disapproval of the ''grandfathering rules'' filed by Senator ENZI. We understand this could come up for a vote as early as Wednesday, September 29. The Enzi resolution would nullify the interim final rule defining grandfathered plans. In striking the rule, Senator Enzi's resolution potentially allows any health plan to be grandfathered—shielding plans indefinitely from complying with important new consumer protections that benefit millions of Americans.

Like the Affordable Care Act (ACA) itself, the interim final rule issued by the Departments of HHS, Labor and Treasury sought to strike a balance that allows consumers to keep current plans they like, while also ensuring that plans evolve to incorporate new consumer protections. To do this, the rule laid out the circumstances under which a health plan loses grandfathered status, and therefore must comply with certain new consumer protections. Factors that result in a plan losing grandfathered status include significant benefit cuts, cost-sharing hikes, lower employer contributions, a new or tightened annual limit, or switching insurance carriers.

The Enzi resolution wipes away the rules that define grandfathered plans, potentially allowing any plan to assert its permanent non-compliance with consumer protections. This would invalidate many benefits of the ACA for people that currently have insurance and indefinitely lock them into plans that fail to meet basic consumer protections. Though claiming to help small business, the resolution will plunge many small business health plans into a maze of litigation. This resolution is a transparent attempt to gut some of the most important provisions of insurance reform.

Consumers lose under the Enzi resolution. Plans would not have to cover preventive services at no cost. The right to internal and external appeals could be stripped. A trip to the emergency room could again require prior authorization and result in enormous out-of-network costs. These protections are so basic, popular and bipartisan that there can be no explanation for this resolution other than pandering to an insurance industry that lost the battle but is still gunning to win the war against consumers on health reform.

On September 23, people all around the country celebrated the arrival of key consumer protections. Advocates hosted hundreds of events nationwide, including 87 sponsored by Health Care for America Now and the Main Street Alliance. This spiteful resolution threatens to rip away those hard-won consumer benefits. We urge Senators to vote no on the motion to proceed and no on the resolution.

Sincerely,

ETHAN ROME,
Executive Director.

SERVICE EMPLOYEES INTERNATIONAL UNION.

On behalf of the more than 2.2 million members of the Service Employees International Union (SEIU), I urge your boss to oppose S.J. Res. 39 filed by Senator ENZI. This resolution of disapproval would strike the interim final rule submitted by the Departments of Health and Human Services, Labor and Treasury on the grandfathered health plans under the Affordable Care Act (ACA).

Many of the new protections under the ACA apply to all health plans, both those in existence known as grandfathered plans and new health plans or non-grandfathered plans. Those provisions covering all health plans include a prohibition of rescissions, a ban on annual lifetime coverage limits, coverage of children until age 26, and an end to exclusion of children based on pre-existing conditions. There are certain provisions that do not apply to grandfathered plans, including the requirement to provide preventive health services with no cost sharing and the new internal appeals and external review process. Senator Enzi's resolution seeks to disapprove the interim final rule which states that health plans would cease to be the same plan that was in effect on March 23, 2010 and therefore no longer maintain grandfathered status if they significantly cut benefits, raise deductibles or co-pays or lower employer contributions.

This resolution would give insurance companies free reign to change the structure of a health plan such as increasing co-pays and deductibles and not be required to provide stronger consumer protections/benefits enacted under health care reform designed to increase access and affordability. In short, S.J. Res 39 is a blatant attempt to erode the protections provided to consumers under health care reform.

SEIU strongly urges you to oppose S.J. Res. 39. SEIU will add votes related to this issue to our Congressional Score Card located on our Web site at www.seiu.org. Should you have any questions or concerns, contact Desiree Hoffman, Assistant Director of Legislation, at desiree.hoffmanaseiu.org.

SEPTEMBER 29, 2010.

AARP: SENATE RESOLUTION WOULD WEAKEN NEW HEALTH INSURANCE PATIENT PROTECTIONS

ASSOCIATION URGES SENATORS TO OPPOSE S.J. RES. 39.

WASHINGTON.—AARP Legislative Director David Certner released a statement in advance of today's expected vote on S.J. Res. 39, a Senate resolution of disapproval that would weaken the patient protections put in place under the health care law. Certner's statement follows:

''The rules created earlier this year strike a good balance between preserving the rights of individuals to keep their existing coverage, while also honoring the purpose of the Affordable Care Act in providing for patient protections and important insurance reforms that safeguard individuals from practices that lead to denials of coverage or to underinsurance in the event of serious illness or accident.

''As I stated in AARP's letter regarding the Interim Final Rule (IFR) to implement the grandfather status rules, 'AARP supports the general thrust of the IFR that plans not lose their grandfather status for changes that are modest in nature. This is consistent with the need to balance the objectives in the ACA of preserving the right of individuals to keep their existing coverage with the goal of ensuring access to affordable essential coverage and improving the quality of that coverage.' AARP agrees with the IFR's determination of what would cause plans to lose their grandfather status (e.g., cannot significantly cut or reduce benefits, cannot significantly raise co-payment charges, cannot significantly lower employer contributions) as important consumer protections and consistent with the statute.

''As a result, AARP urges Senators to oppose this resolution to ensure critical new protections and rules remain in place so that the vast majority of Americans who get their health insurance through employers will have clear guidelines on how their plans comply with the new law.''

AARP is a nonprofit, nonpartisan social welfare organization with a membership that helps people 50+ have independence, choice and control in ways that are beneficial and affordable to them and society as a whole. AARP does not endorse candidates for public office or make contributions to either political campaigns or candidates. We produce AARP The Magazine, the definitive voice for 50+ Americans and the world's largest-circulation magazine with over 35.1 million readers; AARP Bulletin, the go-to news source for AARP's millions of members and Americans 50+; AARP VIVA, the only bilingual U.S. publication dedicated exclusively to the 50+ Hispanic community; and our website, AARP.org. AARP Foundation is an affiliated charity that provides security, protection, and empowerment to older persons in need with support from thousands of volunteers, donors, and sponsors. We have staffed offices in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

TRUST FOR AMERICA'S HEALTH,
Washington, DC, September 29, 2010.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The Trust for America's Health urges you to oppose S.J.Res 39, a resolution of disapproval of the interim final rule that stipulates what actions health plans are precluded from taking if they wish to be considered a ''grandfathered'' health plan under the Patient Protection and Affordable Care Act (ACA).

Among the many benefits of this critical law enacted earlier this year is the renewed focus of the law on the importance of prevention. As a result of ACA, patients and consumers who enroll in new health insurance plans will have access to recommended preventive clinical services for little to no cost. This represents a tremendous opportunity to encourage Americans to seek out and receive recommended preventive services, which will have a real impact on improving health outcomes. Furthermore, guaranteed coverage of preventive services is a critical component of establishing a national culture of prevention and wellness.

While we hope that one day all Americans will be guaranteed this access, a certain category of ''grandfathered'' health plans are exempt from this requirement. As released

in June, the rule requires that health plans not make significant changes to plan benefits, premiums, or cost-sharing requirements should they wish to maintain their ''grandfathered'' status.

Enactment of this resolution would block the Department of Health and Human Services from implementing this rule and effectively permit any existing health plan to avoid the important affordability and benefit protections created under health reform, including coverage of preventive health services.

Once again, we urge you to vote against this resolution to ensure that ''grandfathered'' status does not become a route to curtailing the important prevention components of health insurance reform. We hope you will stand on the side of ensuring that patients have access to clinical preventive services and other important insurance reforms contained within ACA.

Sincerely,

JEFFREY LEVI,
Executive Director.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I yield up to 10 minutes to the Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from Wyoming.

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

Mr. MCCAIN. I would say to my friend from Wyoming, this seems like old times—what we tried to stop for over a year, and now our predictions came true, beginning with they turned 2 pages of this 2,733-page bill—2 pages—into 121 pages of regulation. Is that correct, I would ask my colleague from Wyoming?

Mr. ENZI. In one of the instances, that is correct.

Mr. MCCAIN. So in a 2,733-page bill, if we have 121 pages of regulation for every 2 pages, that is going to be pretty interesting, isn't it? And the fun has just begun. The fun has just begun.

If the Senator might recall, I ask my friend from Wyoming, President Obama—quote after quote, time after time:

And if you do have health insurance, we'll make sure that your insurance is more affordable and more secure.

We know that is not true from every estimate. It is neither affordable nor secure.

If you like your health care plan, you can keep your health care plan. This is not some government takeover. . . . I don't want government bureaucrats meddling in your health care. . . . That's what reform is about.

I quote from the President of the United States.

So now they have taken 2 pages of a 2,733-page bill, and that is 121 pages of regulation.

Now, isn't it true, I would ask my colleague from Wyoming, who knows as much or more about this than anyone, that it will result in 50 percent of all employees being in plans ineligible for grandfathered status? Is that a correct statement?

Mr. ENZI. That is not only a correct statement, the estimate is a little low, according to the administration.

Mr. MCCAIN. According to the administration.

Mr. ENZI. According to the administration, in small businesses, 80 percent of the people—unless this is passed—will lose the insurance they have and like, and in all businesses 69 percent will. Those are not my numbers; those are the administration's numbers.

Mr. MCCAIN. But isn't it also true that is the case for small business and people and entrepreneurs all over America except the unions? Isn't that true? Isn't this a carve-out again, part of this sleaze that went into putting this bill together, part of the ''Cornhusker kickback,'' the ''Louisiana purchase,'' the buying of PhRMA—all that went into this—the ''negotiations'' that were going to take place on C–SPAN that the President said during the Presidential campaign that went from one sweetheart deal cut to another. Part of one of those sweetheart deals was the unions are exempt; is that correct?

Mr. ENZI. That is correct. And so were the other parts that were done in order to buy the bill in a bipartisan way.

Mr. MCCAIN. So what you are saying is that unless a health care policy provided by an employer is absolutely unchanged totally for an unspecified period of time, then that health insurance policy can be declared invalid by the Department of Health and Human Services, and they will have to go to a government-mandated health insurance policy or pay a fine. Is that a correct assessment?

Mr. ENZI. It is a correct assessment in most of the parts. They will have to give up the insurance they have now, even if they like it, which the President did mention 47 times in public speeches. And there are some requirements on how much of a change there can be.

But I have been talking to small businessmen traveling across Wyoming, talking to them and visiting them, because Congress thinks ''profit'' is a bad word, and a lot in Congress think every business is simple to run. But they have never been out there and scratched the surface a little bit to see just how tough it is.

I have had businessman after businessman whom I have visited and ones who have come to Washington because they have been so concerned who have said: I am going to do everything I can to keep my plan just exactly the same because this regulation is so difficult to understand, and I am pretty busy anyway, so I don't think I dare make any changes.

That is not true. They could make a few changes, but if they do, they will lose their status, and they will have to pay more.

Mr. MCCAIN. So an employer, a small businessperson provides health insurance for their employees. That employer sees health care costs go up,—as everybody knows, and that is every objective estimate—so that employer says to its 10, 50, 60, whatever, employees: Look, we are going to have to increase your copay. We are going to have to increase your copay because, simply, the costs are prohibitive, and we would like to sit down, and I think you would probably agree to it given the overall situation across health care. And the employees agree with that and they change the copay, and then automatically they are finished. Is that correct?

Mr. ENZI. Yes, that is correct. That is correct. If they change the copay, they are no longer grandfathered.

Mr. MCCAIN. So even though it is obvious that the cost of health care is going up, continues up dramatically—that is estimates of OMB, of literally every objective observer; the curve has not been bent down—that unless employers keep exactly, with very little wiggle room, basically the same health insurance policy for their employees, then they will then have to comply with a government-mandated health insurance policy. Is that correct?

Mr. ENZI. That is correct. The Federal bureaucrats have figured out what the minimum amount of insurance is that you ought to have and everybody else in America ought to have, and even if you like what you have, you are going to have to go to that if there are certain changes in your policy.

The small businessmen are worried about any changes. Because this thing is so complicated, they do not even know what the rest of the rules are going to be. They have talked about this tax credit, but a number of them have looked at the requirements on the tax credit and said: How in the heck do I ever comply with that? So they are a little worried about being able to get that too.

Mr. MCCAIN. So I guess it was one of our colleagues and the President who intimated: Well, the American people really don't pay attention. The American people don't really—they are deceived by FOX News, et cetera.

The American people knew this was a bad deal then, and they know it is a bad deal now. The majority of the American people want it repealed. And all of this is suspicions confirmed when you take 2 pages of legislation and turn it into 121 pages of regulation—a 2,733-page bill.

Mr. ENZI. Yes, it will be dramatic. We have not begun to touch all of the regulations that have to be written on this yet. We looked at the Medicare bill and how many pages of regulations came out of that, and it was 100 per page, which would be 270,000 pages on this one. That is where that number came from.

Mr. MCCAIN. So here we are with an economy that the administration, the President, and his crack economic team said that if you pass this stimulus bill, maximum unemployment will be 8 percent. What is the problem with

investment and hiring and economic growth in America today? The total uncertainty. We have just punted on the extension of the tax cuts or an Obama tax increase. We have just punted on a number of issues, and the American people now are going to have to—this small businessperson the NFIB represents is going to have to thumb through 121 pages of new regulations in order to understand. Big businesses and small businesses are going to say: What are the next 121 pages of regulations that are coming down for 2 pages of the bill? I guess the title page probably would not have regulations associated with it, but the other 2,732 would.

Mr. ENZI. And the Senator from Arizona has not even mentioned the 1099 problem that is supposed to help pay for part of this bill.

Mr. MCCAIN. Yes, which our colleagues just voted down. They voted down a resolution by the Senator from Nebraska that would allow them not to have to report every single transaction of $600 or more. No wonder small and large businesses in America are reluctant to invest and hire with this kind of foolishness going on.

Mr. ENZI. Right.

Mr. MCCAIN. The CPAs come to me in Arizona and say: I can't advise my clients. I don't know what the tax structure will be.

So here we are with a new 121 pages of regulation which obviously will affect 50, 60, 80 percent—let's say it only affects 50 percent of businesses in America—and we are going to vote down, probably, with the big-government majority here, this effort to not have this regulation implemented.

All I can say to my colleague from Wyoming is, thank you for your leadership. Thank you for your thoughtful dissertation on this issue. And I guarantee you, maybe next January, we can take this up again.

Mr. President, I yield the floor.

Mr. KYL. Mr. President, last June, President Obama promised on national television that ''Government is not going to make you change plans under health reform.''

In his September 2009 address to Congress he told Americans, ''If you have health insurance through your job, nothing in our plan requires you to change what you have.''

Many Americans doubted this would be the case, and they have been proven right.

In the months after the health care law was passed, the administration wrote the regulations for plans with grandfathered status. Grandfathered status was supposed to allow employers to continue offering current health plans, even if those plans don't meet all of the government's new cost-increasing mandates and requirements. And we were told it was intended to help protect Americans enrolled in these plans from ''rate shock,'' or significant premium increases, as a result of the new government mandates.

The consulting firm Mercer has bad news for people hoping to keep what they currently have. It released a new survey of employers on the impact of the health care law. One-quarter of employers surveyed estimate that the law would raise premiums by at least 3 percent. That increase is beyond this year's normal rise in costs due to medical inflation.

A majority of respondents—57 percent—said they will ask employees to pay a greater share of the cost of coverage in 2011, meaning higher deductibles and copays.

As the Mercer study notes, ''The rules for maintaining grandfathered status were tougher than many employers expected. As they start to get a clearer picture of projected costs for 2011, many are finding they need more flexibility to get their cost increases down to a level they can handle.''

Yet the administration's regulations expose employers and employees to extensive bureaucratic redtape just so they can keep their current plans.

In fact, the administration's own experts at the Department of Health and Human Services estimate that between 39 and 69 percent of businesses won't be able to keep the health plans they have now.

Small businesses will fare even worse. By 2013, up to 80 percent of small businesses could lose their grandfathered status. All of this means that few health plans will qualify for grandfathered status, so many Americans will not get to keep what they have.

Employers that lose grandfathered status for their health plans will be forced to comply with all of the new mandates included in the health care law and all of the administration's regulations.

Subjecting employers' health plans to these mandates will either force them to change their plans and increase their costs of insurance or pay a fine and dump their employees into the Federal Government's new insurance exchange.

I do not support the health care law at all, but I believe Americans should get to keep what they have, as promised, so I support the Enzi resolution of disapproval. The resolution would nullify these regulations and direct the administration to develop true grandfathering protections that allow Americans to keep their current coverage.

These latest developments are consistent with the pattern that has emerged ever since this bill passed and was signed into law—one of broken promises. Americans never liked or wanted this bill, and we are continually reminded why they opposed it in the first place.

Mr. WARNER. Mr. President, I ask unanimous consent to have printed in the RECORD, the following letter to Secretary Sebelius which discusses my thoughts on the interim final rule, ''Rule'', regarding grandfathered plans—75 Fed. Reg. 34538—as part of the Affordable Care Act. While I will vote against the motion to proceed on Senator ENZI's joint resolution of disapproval, S.J. Res. 39, I do have concerns that the rule itself is overly restrictive. I look forward to working with the administration and my fellow colleagues on continuing to develop guidance on this issue.

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

U.S. SENATE,
Washington, DC, September 29, 2010.

Hon. KATHLEEN SEBELIUS,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY SEBELIUS I write regarding the Interim Final Rule (''Rule'') regarding grandfathered plans (75 Fed. Reg. 34538).

While I understand that the Rule seeks to balance consumer protections while still allowing consumers to keep their existing plans, I am concerned that as currently written, the Rule is overly restrictive. In some places the Rule places significant restraints on the ability of employers and health plans to make adjustments to their existing plans that contain costs while maintaining the overall benefit structure and value for plan participants.

As a starting point for more flexibility, I urge you to reconsider the provision that automatically revokes grandfathered health plan status if an employer-sponsored health plan changes insurance carriers. This provision, as written, is overly restrictive and unfairly locks in employers to a specific carrier. For instance, changing carriers should not trigger a loss of grandfathered status if the benefit coverage under a different insurer remains the same. In fact, many new carriers have shown that they can offer lower cost-sharing to employees due to a better rate.

I hope to work with you to refine and adjust this and other aspects of the regulation as we further define grandfathered plans to ensure appropriate stability in the marketplace. I appreciate the opportunity to assist the Agencies in continuing to develop guidance on this important issue.

Sincerely,

MARK R. WARNER,
United States Senator.

Mr. HARKIN. Mr. President, how much time do we have?

The PRESIDING OFFICER. Eleven minutes 12 seconds.

Mr. HARKIN. How much time does the other side have?

The PRESIDING OFFICER. Three and a half minutes.

Mr. HARKIN. Mr. President, I yield 4, 5 minutes to the Senator from Illinois.

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

The Senator from Illinois.

Mr. DURBIN. Mr. President, I just listened to the Senator from Arizona, who is my friend and whom I respect. I cannot remember how many pages were in the McCain-Feingold bill. I voted for it. I believed in it. I did not count the pages. I thought he was on the right track to change campaign financing in America. It was a bipartisan bill, and I supported it.

Has that now become the measure in the Senate—we will count the pages, and if it goes over 1,000 pages, we are not going to pass the bill? I hope not because this bill, the underlying bill on health care reform, to make it more affordable and more accountable, took on

one of the major industries in America, where the cost of health insurance has gone up 10, 15, 20 percent a year.

We know the health insurance industry and the companies behind it are not going to go down without a fight. They are going to hire the lawyers and the lobbyists—and they did—to fight the passage of the bill and to fight its implementation in court and everyplace you turn because what is at stake is their money, their profit. What is at stake is the way they do business, and they know it. So when this administration writes the rules and regulations to make sure that when we are challenged in court, this is going to stand up under the law, it is the reasonable thing to do, and I think even the Senator from Arizona would acknowledge it.

Now, I know the Senator from Wyoming does not feel this way because he told me personally this morning that he does not favor repeal of the bill. I do not know what the position of the Senator from Arizona is. But I would say to those who want to repeal the health care bill that the President signed into law, this is what they want to repeal. They want to repeal the consumer protections which we have finally put into the law which say the health insurance companies cannot cancel your coverage when you need it the most. They cannot deny you coverage because of a preexisting condition. They cannot deny to children under the age of 18 coverage under health insurance for a preexisting condition. They cannot deny to you the right to keep your kids under your health insurance policy, your family's policy, until they reach the age of 26.

In that bill was also a new deduction for the cost of health insurance for small businesses so they can afford to find health insurance for the owners and the employees of the businesses. In this bill was closing the doughnut hole on the Medicare prescription Part D, sending a $250 check to the seniors who needed it this year and increasing that amount over the year and still not adding to the deficit overall with this bill. That is what they want to repeal.

Well, I am not going to stand before you and tell you that the bill we voted for was a perfect law. The only perfect law I am aware of was carved in stone tablets and carried down a mountain by Senator Moses. All the other bills that have been passed are going to need some changes over the years. But the change the Senator from Wyoming brings to the floor is a bad change—a bad change—because what he wants to do is empower the health insurance companies to increase the amount of money Americans pay for their coverage. That is it. Give them more protection so they can raise costs.

The Senator from Wyoming said we should not be embarrassed to say these companies are in business for a profit. I understand that. But this underlying bill limits the profits of the company and says that 80 percent of the premiums they collect need to be spent on health care. That leaves them 20 percent for their bonuses, for their salaries, whatever they want. But we want to make sure people across America have a fighting chance to have health insurance protection when they absolutely need it the most.

I see my colleague on the floor, the Senator from South Dakota. He and I had an unexpected experience in the month of August. We were both in a hospital for surgery. Lucky for us, Senator JOHNSON and Senator DURBIN—and also the Senators on the other side of the aisle—are protected by the best health insurance in America. Shouldn't the people of this country have that same kind of peace of mind so that when they need medical care, even expensive medical care, their health insurance is there to protect them?

All of the people standing on the floor railing against government-administered health care are covered by government-administered health care. Our health insurance plans in Congress are administered by the Federal Government, and not a single Senator on the other side of the aisle has said: In principle, I am going to give up my health insurance to show you how much I hate government-administered health care. They have not done it because the plans are too darn good. We want to give every American the same peace of mind Members of Congress have.

We have to defeat the Enzi approach today. It empowers health insurance companies at the expense of people who need health insurance when they face a diagnosis, a surgery, a cancer treatment that could literally bankrupt their family unless they have health insurance protection. I urge my colleagues to oppose Senator ENZI's effort on the Senate floor today.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. HARKIN. Mr. President, again, I don't know where all of these figures come from, how many pages of regulations per page on the bill, and all that kind of stuff.

I have in front of me the Federal Register of Thursday, June 17, 2010. What we are dealing with today are grandfathered plans, right? The resolution offered by the Senator from Wyoming has to do with what is a grandfathered plan and the regulation of the grandfathered plan.

Well, I looked at the rules in the Register. It is one page and not even a half, about a page and one-third—well, not actually even a page and a third, a little over a page, a page and a third. I have it right here. Page 34,568 and page 34,569: Maintenance of Grandfather Status. That is what it is, and that takes into account all of the things to which the Senator from Wyoming referred.

It is a page and a quarter, right there. There is a bunch of other stuff in this regulation that comes through there, including accounting tables and all kinds of things, but the actually rule, regulation, is a page and a third. I don't know what all this other stuff is in here. It is probably make work for somebody, I don't know. But it is a page and a third.

But getting to the crux of it, we provided in the health reform bill, which is now law, that if you had a plan you liked, you could keep it. If that plan was in effect prior to April of this year, you can keep it. It is called grandfathering. Many of the things we provided for new plans don't apply to those grandfathered plans, things such as preventive services. As my colleagues know, all new plans now must cover certain preventive services without any copays or deductibles, that type of thing. All new plans have a right to an external appeal to a third party, if you want. There are restrictions on annual limits and coverage in the individual market. There is direct access to OB/GYNs without a referral. You can't charge a higher cost sharing for out-of-service emergency services. You don't need a prior authorization requirement for emergency care. Those are just some of the elements that apply to new plans that will not apply to a grandfathered plan.

So then you have to ask, well, what is a grandfathered plan? A grandfathered plan is a plan that was in existence prior to April of this year on which the insurer and the insured agreed, like a contract.

What if that grandfathered plan—what if that insurer then says: Well, we agreed on a certain coinsurance charge. It was 20 percent. But now we are going to raise it to 40 percent. Well, that is not what you agreed to. That is not what you signed up for.

Let's say they want to raise deductibles. Let's say your deductible was $1,000, and they say now they are going to raise your deductible to $2,500. That is not what you agreed to. That is not the plan you liked or you signed up for. Or let's say the plan wants to significantly increase your premiums or they want to tighten down on your annual limits. That is not what you signed up for.

So the rules and regulations say: Look, there are certain limits. You can raise your copayment, but not more than $5 or 15 percentage points above medical inflation. So there are certain restrictions put on what an insurer can do and still claim to have a grandfathered plan. That seems to me to make infinitely good sense because they leave the consumer with nothing. They are at the whims of the insurance company. That is what it was like before we passed the health care reform bill. That is what my friends on this side of the aisle want to go back to: Giving the insurance companies the wherewithal to define everything and tell the consumer what it is that a consumer has to have. They call the shots.

Well, quite frankly, what this regulation does is it gives more empowerment to consumers. It says to an insurer: You can't just willy-nilly change your plans that you had prior to April and call it a grandfathered plan. If you change it, if you make all of these big changes, guess what. You are going to have to cover preventive services without copays and deductibles. If you do all of these big changes, well, your insurer is going to have the right to appeal that. Quite frankly, I think that has a lot to do with this. We said for any new plans, the insurer has the right to appeal to a third party—not the grandfathered plans but the new plans. That is why a lot of the old plans don't want to become new plans. They don't want to give you that right of appeal.

There are restrictions on annual limits, which I mentioned before, in the individual market.

So, again, if you want to have a grandfathered plan, fine, but you can't just change it dramatically. I say again to my friend from Wyoming, read it in full. It doesn't say any changes; it says any changes based upon certain things.

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

Mr. HARKIN. So I say to my friends, we should vote this down and move ahead with health care reform and protect the consumers of America.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, when we talk about 121 pages, we are talking about what the small businessman has to access. He has to go on the Internet and print out the pages. There are 121 pages. Yes, if he could get it in the format of the Federal Register, he would have 34 pages. But you can't ignore everything but 1½ pages. You have to do the whole thing.

Small business is upset about this. That is why I listed the 54 different organizations that are opposing this bill. I have gotten, and I am sure everybody has gotten—even though I only brought this resolution up last week, there are hundreds of letters coming in with examples of what this will do to them.

From Fort Lauderdale, FL: They received such a large increase of people being grandfathered out of the plan, they will be forced to get a new plan because they made their current plan so expensive. Now the new plans have much higher deductibles, more out-of-pocket costs, and more affordable plans only offer to pay 50 percent coinsurance. So the options are limited.

The options are limited to all of the businesses. I have letter after letter that shows how it isn't just the business that has to absorb these costs. The individuals who have the insurance who have been pleased with their insurance are going to have to go out on the open market because the company is going to say it can't afford to do it anymore. They are trying to keep the insurance, but that has been the problem for small businesses all along.

Our economy is already struggling. It doesn't need more job-killing, cost-increasing government mandates. We are hearing from small businesses across the country which are already being forced to swallow large premium increases that will prevent them from hiring more workers. That is jobs. We need to create more jobs, not write regulations that lead to less jobs.

The bill was sold as letting people keep what they have, but the devil is in the details. Do a little digging. It is clear. Americans would not be able to keep what they have. The simple truth is, because this new rule will drastically tie the hands of employers, few employers are expected to be able to pursue grandfathered status.

The Enzi resolution is about protecting small business and the people who work there. Anytime an individual doesn't like what they are getting, they can go out on the open market and get something, but most of the help on getting that doesn't arrive until 2014.

Where is the cost cutting they were promised in the bill? Now we are going to add this regulation to it, and small businesses are telling me they can't afford it. If this becomes the grandfathered thing, 80 percent of small businesses are going to have to change unless my resolution is passed. Sixty-nine percent of all businesses are going to change unless my resolution is passed. People out there who like what they have—listen to this. Help your small business and help get this grandfathered thing passed.

As I mentioned, there are several organizations that are key voting on this one because it is so critical to their members and the people who work for them.

I ask my colleagues to support the resolution.

I yield the floor.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—40

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

NAYS—59

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

NOT VOTING—1

Murkowski

The motion was rejected.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:51 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 3081, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to consideration of Calendar No. 107, H.R. 3081, an act making appropriations for the Department of State, Foreign Operations and Related Programs for the fiscal year ending September 30, 2010, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I ask to speak as in morning business.

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

FAREWELL ADDRESS

Mr. KAUFMAN. Mr. President, I love the Senate. It is not always a beautiful thing, and surely it is not a picture of a well-oiled machine, but years ago I found a home here. As my colleagues know, I first came to the Senate in 1973 as an aide to a young man who had won a stunning and very improbable election against a respected incumbent. At that campaign victory party 38 years ago—I can remember it as if it was yesterday—I thought to myself I would never again believe that anything is impossible.

In the intervening 37 years I have seen a lot of campaigns. I never saw one that was as big an upset as JOE

BIDEN's. When I started working for JOE BIDEN that year, I told the DuPont Company—that is where I worked—I would take a 1-year leave of absence. I stayed for 22 years.

I will soon be leaving the Senate. I am grateful beyond words to have gone through much of JOE BIDEN's Senate career as his chief of staff and observed his career firsthand. I can say if my Senate career had ended then, if I had not been called on to serve as his successor, that experience, helping to represent Delawareans and fighting for the values that JOE BIDEN and I shared, would have been more than fulfilling enough. I would have been happy.

I thank our leader, HARRY REID, who is most responsible for the most historic, productive Congress since FDR. I thank my committee chairs. They have been great to me: PAT LEAHY, JOHN KERRY, CARL LEVIN, and JOE LIEBERMAN. I especially want to thank my senior Delaware colleague, Senator CARPER, for whom I have the greatest respect and who has helped me tremendously during my last 2 years in all manner of issues. I know I am going to alienate some of my Senators, but he is without a doubt the best senior Senator in the entire Senate.

After almost four decades, I think I finally got used to the unpredictable rhythms of the Senate. In the short time since I was sworn in last January, the Senate has seen heated debate over a basic principle under which this body functions—the filibuster. All Members are frustrated with the slower pace, and they are right to be frustrated when good bills, important bills that promise to help millions of Americans, are blocked for the wrong reasons.

But rule changes should be considered in the light of the fact, which we all know, that the Senate is not the House of Representatives. It serves a very different constitutional purpose, and the existence of the filibuster remains important to ensuring the balanced government the Framers envisioned.

Indeed, the history of the Senate is that of a struggle between compromise and intransigence. But this is the place where we protect political minorities. This is the place where we make sure the fast train of the majority doesn't overrun the minority. While I think there are changes, and good changes, that are being considered, I do think the filibuster should remain at 60 votes because during the long struggle in the Senate, certain traditions have been adhered to by Members on both sides of the aisle. Whenever anyone moves to change one of those traditions in a way that may diminish the comity under which this body must function, I believe they should do it very carefully. I know my colleagues will do that.

Regardless, I continue to have faith that out of the debates in the Senate, the fights we are having now, out of the frustrations of some of the intransigence of others, we will eventually find our way toward the next great compromises we need to solve many of our problems, compromises that will keep America great.

I am incredibly proud of the opportunity I have had to work on important issues during the brief service I have had in the Senate. I feel especially privileged to have served in this historic Congress, when there were so many great challenges facing this country. I have been hanging out in this place since 1973. There has not been another Congress like the 111th, one where we have dealt with more issues. During my first month in office, more than 700,000 Americans lost their jobs on the heels of the economic collapse in late 2008.

People are wondering why are people upset? How soon they forget. Less than 2 years ago, 700,000 people lost their jobs in a month, and it was not the first month and it was not the last month. Action by the Federal Government to stop further decline was critical—and we acted. I am proud of my vote on the American Recovery and Reinvestment Act. I believe the ARRA worked to arrest the financial free fall to jump-start the economy—and if I had another hour and a half, I would show my charts and graphs to demonstrate it.

All across Delaware I have seen the benefits of this law—the investments in infrastructure and education and new technologies for our future, and I met with the people whose jobs were saved, literally met with the people whose jobs were saved or who found new employment that flowed from these investments.

We succeeded in passing many other initiatives to foster growth and to bring much needed help to those who have been hit hardest by the recession, which was my No. 1 job in the Senate. As Senator CARPER knows, it is all about jobs, jobs, jobs. We actually did a great many things that I firmly believe helped make us a stronger country.

As you know, as you grow older you realize that life is not about what you accomplish or about winning. It is about having tried, and I feel good that I tried my very best.

I was so pleased to work with Senators LEAHY and GRASSLEY on the Fraud Enforcement and Recovery Act, to chair oversight hearings in the Judiciary Committee on law enforcement efforts to pursue financial fraud associated with the financial crisis, and to sit with my friend, Senator CARL LEVIN, as he and the Permanent Subcommittee on Investigations held hearings on financial fraud. I was honored to be a part, as were all of my colleagues, of two Supreme Court confirmation hearings for Justices Sotomayor and Elena Kagan.

I had the distinct honor, and it is a true honor, of serving on the Foreign Relations Committee with Chairman JOHN KERRY and ranked member DICK LUGAR, as well as on the Armed Services Committee with Chairman LEVIN and Senator JOHN MCCAIN.

I made two trips to Israel and the Middle East, three trips to Afghanistan and Pakistan, and four trips to Iraq in the last 18 months. I know a number of things: No. 1, we must build our civilian capability for engaging in counterinsurgency, and in this Congress we passed legislation to enhance civil-military unity of effort through joint training at Camp Atterbury.

Along with Senator BROWNBACK, I cofounded the Senate Caucus on Global Internet Freedom to promote greater access to freedom of expression and freedom of press online.

I also highlight the importance of U.S. public diplomacy efforts, especially international broadcasting. As you know, I served on the board for 13 years—there is nothing more important in our battle than international broadcasting and public diplomacy. I sought to raise the awareness of the limitations on press freedom in countries such as China and Iran through the passage of resolutions and have coauthored legislation funding the development of Internet censorship circumvention technology in Iran—getting around the jamming that Iran is doing to deny its citizens the right to get information on the Internet.

I have also had the privilege of working to promote science, technology, engineering, and mathematics, or STEM, education during my time in the Senate. As a former engineer, I know firsthand the importance of STEM education.

I spent much of my career in government service, and I decided early in my term to come to the Senate floor each week and recognize the contribution made to this country by our Federal employees. I honored 100 great Federal employees from this desk, sharing their stories and accomplishments with my colleagues and the American people, and I am very pleased that Senator WARNER from Virginia is going to be taking that on when I leave. I could not have left it to a better person.

Last but not least, I have tried my hardest to be a voice for the average investor and to work for financial accountability and stability so our economy can thrive. That is what it is about. We can't thrive if we don't have credibility in the markets. I offered legislation with my good friend, Senator JOHNNY ISAKSON, to curb abusive short selling. I gave a number of speeches on this floor, from this desk, calling for the Securities and Exchange Commission to conduct a comprehensive review of equity market structure and high-frequency trading and to advance reforms that promote clear and transparent markets—not always clear and transparent to everybody listening. As I said from the floor dozens of times, it is critical that we preserve the credibility of our markets, one of our Nation's crown jewels, if our grandchildren are to live in the most economically powerful country in the world.

Finally, I repeatedly highlighted from the Senate floor the importance

of the problem of too big to fail in the financial reform debate, working with my good friend, Senator SHERROD BROWN, to offer the Brown-Kaufman amendment. We made the good fight but, again, trying was better than succeeding—not better but the alternative to succeeding, and I thank every Senator who voted for that amendment. I am proud of that. While our amendment was not agreed to, I will ever be proud of the opportunity to work with Senator CHRIS DODD and participate in Senate debate on financial reform.

I could not have achieved anything—and I genuinely mean anything—during my term without the help and hard work of my excellent staff. I spoke early this week about the staff. They are vital to our work. I am going to tell you as someone who spent years delivering staff work and now someone who has been a consumer, I am more impressed than ever with my staff, and with Senate staffs and the job they do.

I want the American people to understand that one of the reasons I love the Senate is because it is filled with intelligent, hard-working people who are passionate about serving this country. This goes for Members and staff alike. The Senate is a magnet for those who feel called to public service. It is the destiny for countless improbable journeys. Our constitutional Framers would have been relieved to see this noble experiment working, to know that in the Senate today serve a farmer from Big Sandy, a realtor from Cobb County, a mayor from Lincoln, a former Army Ranger from Cranston, a social worker from Baltimore, and a doctor from Casper.

All of them are here for the same reason as the other Senators—because they love this country and their communities dearly and want to give back. Their paths to public service may have been different in their first steps just like mine was, but they converged here and this is what continues to sustain my faith in the Senate.

Here this leg in my improbable journey comes to an end. Although I leave the Senate as a Member, I will not be leaving the Senate behind. I will continue to teach about the institution to my students and encourage them to pursue their own path to public service. I will continue to speak out on issues that I worked on here because that important work, as always, goes on.

I love the Senate, and I will always cherish the unlikely opportunity I had to serve Delaware as its Senator. With deep gratitude to those who worked with me and stood by me through my journey—to my staff, to my colleagues, to my wife Lynn, to our children, grandchildren—with great appreciation to former Governor Ruth Ann Minner and the people of Delaware for the responsibility they gave me, and with optimism and faith in the future of the Senate and this great Nation, for the last time, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

COMMENDING SENATOR TED KAUFMAN

Mr. WARNER. Mr. President, for a variety of reasons, turnover in the Senate has been more rapid recently than at almost any other time in our history.

For some of us, the turnover has been the result of elections. For some, it has been the result of the passing of Senate legends Ted Kennedy and Robert Byrd, and as a result, as well, of filling Senate seats once held by our President, Vice President and the Secretaries of State and the Interior, while most of us—I think I saw a number of my colleagues from the freshman class here earlier listening to my good friend and colleague from Delaware—got here through the ballot box. We have been blessed to serve with some extraordinary individuals who were appointed to serve in this body.

Perhaps no one stands out more in this regard than our colleague for the past 21 months, the Senator from Delaware, Mr. TED KAUFMAN. But I think most of us have come to know Senator KAUFMAN's service to this body extends well beyond the 21 months he served as a Senator.

In fact, as we just heard from his comments, and he is oft to remind all of us freshmen, he actually has spent most of the last 20 years serving previously as a Senate staffer.

No matter how accomplished—I think we have former Governors, former State senators, folks who have been superintendent of school boards—no matter what our background was before we got to the Senate, we all have had a lot to learn about the peculiar institution rules, morays, and the flow of this body.

I think I may speak for some of my colleagues in the class of 2008, TED KAUFMAN has been an extraordinarily generous resource. He has known the rhythms of this institution, has been someone who has counseled us at times as our—at least I can speak personally—my head was about to explode about some of the process, to kind of sometimes recognize the need to tune out some of the ceaseless distraction, to recognize the great power of this institution and, as he has demonstrated by his own conduct, that sometimes the best path is to simply keep your head down and do hard work.

Senator KAUFMAN, in his speech, went through the litany of activities he has participated in, in that short 21 months. I know we have other Members. I wish to speak about two of them, briefly. One was the incredibly important role he played on financial reform and, secondly, this, I think perhaps much underrecognized but incredibly important role, a role he has been kind enough to leave to me, pass the torch to me, in terms of recognizing our Federal workforce.

Senator KAUFMAN did not serve on the Banking Committee. But in terms of nonmembers on the Banking Committee, there was nobody more active in financial reform, on a host of issues, than TED KAUFMAN. We did not always see eye to eye. But nobody approached issues with more thoughtfulness, more hard work, and more generosity of spirit, who recognized we could have different opinions, but we both realized the financial system needed to be dramatically reformed.

But the area I particularly wish to call attention to is the fact that it was TED KAUFMAN, before virtually anybody else in this body, and for that matter beyond most of the commentators in the financial markets, who spotted and identified what could be the first sign of the next potential financial crisis, the lack of transparency, particularly around high-frequency trading and some of the techniques and tactics used by firms to institute that tool.

As the Member who oftentimes had the privilege, respectively, of sitting in the chair on Monday afternoons, I got to be educated by TED KAUFMAN, as he mentioned earlier, as he went through an explanation of the challenges this technique posed.

Because of his actions and working with Members across the aisle, he has raised the attention of the SEC to this very important issue. Again, this is an area I hope to pick up the baton on. Because the actions of May 6, in terms of the precipitous fall in the stock market, could have been that first warning shot, in many ways perhaps due to some of the techniques TED KAUFMAN has simply said let's bring more transparency to.

Senator KAUFMAN, as well, has done something that perhaps most of us in this institution and, for that matter, most of the 300 million Americans do not often pay enough homage and respect to, literally, millions of folks who work for the Federal Government.

As somebody who has committed his whole life to public service, and most of that public service in serving the Federal Government, Senator KAUFMAN decided, during his tenure, that each and every week he would come down and recognize somebody who works in the Federal Government who is a star. He has now recognized over 100 of these Federal employees, and Senator KAUFMAN has again reminded all of us that while we have challenges in terms of getting the Federal Government right, we still have in the Federal workforce the best in the world. I, again, look forward to the honor of picking up that baton.

Public service is never easy at any moment. But I cannot think of a time in my 20 years around public service that its times are tougher than now, with a great kind of disregard about many of us who serve. But I can think of no better example of someone throughout his whole life who exemplified the best of public service, serving the staff roll, serving as a Senator,

constantly calling us to our better angels, recognizing the great traditions of this body.

So while we heard that Senator KAUFMAN for the last time yielded the floor, at least it is my hope, and I believe the hope of many of my colleagues, that you will still continue to frequent this institution, that you will still continue to be an individual whom we can count on for respect, for guidance, and recommendations.

I have to say that while you will be missed, this body will be greatly diminished by your absence. I again wish to salute my colleague, I wish to salute my friend, and I thank Senator KAUFMAN for his distinguished service to not only the people of Delaware but to the people of the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Before I speak about a very critical piece of legislation, I wish to join the Senator from Virginia in recognizing our friend and colleague from Delaware who has done such an extraordinary job in the time he has been here. I wish to associate myself with the comments of the Senator from Virginia.

There is no one who brings more intelligence, passion, commitment or generosity of heart than the Senator from Delaware, and the fact that he has given his life to public service is something we all thank you for. You will be greatly missed.

UNANIMOUS-CONSENT REQUEST—S. 3706

Mr. President, I rise this afternoon and join with my friend from Rhode Island as well, a cosponsor, to speak about a critical issue affecting millions of Americans around the country. That is the question of lack of jobs and the need to help those who, through no fault of their own, find themselves without a job, trying to hold things together for their family, trying to keep moving, looking for work at a time that is incredibly difficult for our country.

So I rise to speak and to offer S. 3706, the Americans Want to Work Act, and to ask that our body act on this today—now. Americans want to work. That is a fact. That is a fact. People want to work. But this is the worst recession in our lifetime, the worst since the Great Depression.

Millions of people are out of work through no fault of their own and they need our help. Things are beginning to turn, but it is painfully slow, and too many families are caught in the middle. Nationally, we know the unemployment rate stands at 9.6 percent, much higher in my home State of Michigan. Of those, 42 percent who have been out of work have been out of work for more than 27 weeks and many of them, too many of them, much longer.

The reality is, as much as people want to work, there are, frankly, not enough jobs. When people say: Well why don't folks get out and get a job, go out and get a minimum wage job, the reality is there are five people are out of work for every one job that is available. That is a fact.

Now it is better than it was. At one time, it was six for one job opening. So we are creeping along. But the reality is we still have five people out of work for every one job. It is not their fault that they cannot find a job in this circumstance. We know there are about 3 million jobs available nationally, and there are more than 15 million people who need a job. We cannot just walk away from them, from this circumstance, caused by an economic tsunami between the crisis on Wall Street, between our lack of focus over the last decade on fair trade laws.

We have seen too many jobs being shipped overseas, which we tried to address yesterday and could not get any of our Republican colleagues to support us on to be able to get past that. There are multiple things that have happened but none of them caused by the people who have lost their jobs.

This is a moral issue as well as an economic issue. That is why I have authored the Americans Want to Work Act. I wish to thank all the cosponsors. First, I wish to thank our majority leader, Senator REID, who has given us the opportunity today to make the case and who understands the incredible urgency of this issue, and to Senator SCHUMER as well, who has been a great partner in this effort in combining an extension of unemployment benefits with his very successful HIRE Act, to be able to give a one-two punch.

I also wish to thank Senator BROWN of Ohio, Senators CASEY, DODD, LEVIN, REED, GILLIBRAND, LAUTENBERG, and Senator WHITEHOUSE. Our bill does two things to help people who have been out of work the longest. It creates a new tier of unemployment insurance that extends benefits for an additional 20 weeks, and it extends and expands Senator SCHUMER's HIRE Act tax credits to encourage companies to hire those workers who have been looking for work the longest.

I realize this is the longest extension of unemployment benefits ever. I understand that. But this is also the worst recession in our lifetime, and we also need to understand that. I have received so many phone calls and letters from people all across my State who are trying so hard to get work. They are out every single day pounding the pavement or checking the Internet. They are filling out applications. They are sending out resumes. They are making phone calls, trying so hard to find a job so they can put food on the table for their family and, frankly, keep their head above water, try to keep their house above water, to be able to have a roof over their head while they are looking for work.

They want to work. They do not want to be getting unemployment benefits. They do not want to be in this situation. They want the dignity of having a good-paying job so they can provide for themselves and their families.

I wish to share just one of the thousands of stories I received over the last month. It comes from Janice in Sterling Heights, MI.

At the age of 54—

She writes—

I have already worked 35 years of my life. Back when I was young, there was always talk of 30 and out. Never once did I dream at my age that I would be unemployed for over a year. That even though I apply for any job I am qualified for, I never hear back. Now, all I have to look forward to is working until the day I die, wondering where my health care is going to come from, and how I am going to be able to continue to pay my bills. I do not know how long I can hang on until my current unemployment benefits run out. I have nothing, nowhere to go, if evicted. I am so angry because I was brought up that working hard all your life is what you are supposed to do to have a home and a family and a retirement.

That is exactly what we are talking about—people who do nothing but work hard and play by the rules and are found in a situation they did not create.

She goes on to say:

I am angry and disappointed in the government because they are taking away benefits I have expected to be there after working for 35 years and paying into this system.

There are millions of stories like Janice's, not only in Michigan but in every State. We have been working hard to create jobs, to get the economy back on track. We have passed, according to Business Week, four major jobs bills, including the small business jobs bill passed a couple of weeks ago and the President signed on Monday. That is expected to create hundreds of thousands of jobs. The reality is we are in a situation where the majority of our Republican colleagues voted no on the small business jobs bill. Yesterday they blocked our ability to bring up a bill to close loopholes, to stop jobs being shipped overseas. We now stand asking that they not block again help for people who can't find work because this economy is not moving fast enough.

I hope today my colleagues will join me in passing the Americans Want to Work Act. We should not walk away from so many Americans who are looking for work and need our help. I urge my colleagues to join us in saying yes on something, yes to the millions of Americans who want to work.

I will offer a unanimous consent request in a moment. I yield the floor to my friend, the Senator from Rhode Island. Then I wish to return to make my unanimous consent request.

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

The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I thank the distinguished Senator from Michigan for her eloquent words that try to bring into this institution some of the difficulties and anxiety and pain

families in our States particularly are feeling. Because while the national unemployment rate is at an atrocious above 9 percent, in our States it is considerably worse. In Rhode Island the unemployment rate hovers still around 12 percent. This has been a prolonged recession. For many Rhode Islanders, they have been out of work for as long as unemployment insurance benefits allow. Now they are coming to the end of the 99-week period under which they are allowed to recover. The plain, unvarnished fact is that the jobs aren't there. In a different economy, I might be less impatient with the argument that we have to cut off unemployment benefits on folks because, frankly, after a while they get lazy. And if we don't cut off the benefits, then they will wait around, collecting their unemployment, goofing off and not going back to work. That is the argument I hear made against this all too often.

When one is in a State where the jobs simply are not there, where the economy has not come close to recovering, then it is not logical, and it is heartless and wrong. There are now more than 65,000 Rhode Islanders out looking for work. By contrast, the economic recovery bill created 11,000 jobs in Rhode Island. It would be far worse were it not for the action we took. But when we compare 11,000 families who now have jobs and paychecks because of the Recovery Act to the 65,000 still wondering when is this economy coming back for me, clearly we have a lot of work to do. To extend unemployment benefits for those who have run it through is the least we can do.

I remember visiting not too long ago Network Rhode Island, a job placement agency in Pawtucket and speaking to a married couple, a middle-age married couple sitting side by side at one of the computer screens looking for something. They come in to look every day. They have filed hundreds of applications for jobs. They have been unable to find anything because of the job market. They said: We are anxious. We are running out of our benefits. This was one of those occasions when the Republicans had filibustered extending unemployment benefits, adding additional funding. I assured them that when we got back we would be restoring those benefits, and we would be protecting them because we had that commitment and we had that determination. They said: No, you can't help us. We are in the 99ers. We have come to the end of the duration for which you are allowed to collect unemployment benefits.

I felt helpless, that there was nothing we were doing for them. Senator STABENOW and I discussed this problem. She filed this wonderful legislation, of which I was an immediate cosponsor. It addresses a problem that at least in our States is very real.

Two of the Rhode Islanders who have written to us and contacted me about this have let me use their images. Just so we are not always talking about heartless, bloodless statistics on the floor, 12 percent, 65,000, there are real people behind those statistics. There are real families. There are those terrible late nights at the kitchen table trying to figure out how you keep the mortgage, how you keep the health insurance, what you cut, what you give up. Those are discussions that are being had by real families.

This is Michael Coppola. He lives in Smithfield. He was a truckdriver for the same company from 2000 to 2007. He was laid off in October of 2008 when his unit closed. This month Michael hits the current 99-week limit for unemployment insurance benefits. He has had to give up health insurance. He is trying to keep up with his mortgage payments so he doesn't lose his house and add to the tide of foreclosures sweeping across Rhode Island and the rest of the country. His wife is totally disabled. As a result, she receives Social Security benefits and that is helping them keep the family together. But he wrote me to say:

> Any extension of benefits for people like me who have exhausted their benefits would help allow me to stay in my house, pay my taxes, and [allow me] to regain my health coverage.

Michael actually took this picture for us so we could have a picture here to show on the floor and put a human face on this problem that is so often drowned in statistics.

Here is another Rhode Islander from Portsmouth. This is Nancy Babcock. Nancy is 59 years old. She lost her job about 24 months ago. She had worked for 15 years steadily in the insurance industry. Next week she hits her 99-week limit. She has been able to find a little bit of part-time work, but it has not been enough to pay her bills and keep her finances afloat. Rhode Island's WorkShare program has permitted her to supplement her unemployment insurance benefits with a small amount of part-time income. This is a woman who has worked essentially all her life, who while on unemployment insurance has tried to find what work she could find and was permitted and has continued to look for work. She has a bachelor's degree. She has several industry certifications. She has extensive background in sales and marketing. Despite the long drought of unemployment she has had to live through, so many Rhode Islanders have had to live through, she is still out there every day looking for work, hoping the economy will turn for her. She has been going through the classifieds, beating her feet against the pavement trying to get to places where she might get an interview. She has been reaching out to friends, doing all the things that families do in this circumstance, trying to reach out wherever she can, and still, after 99 weeks, to no avail.

I thank Senator STABENOW for her leadership. In a better world, this would be an easy thing and the unanimous consent to allow us to go to this bill and extend these unemployment insurance benefits would be uncontroversial. It should be clear to anybody that these people have lost their jobs and have been out of work for this lengthy period through no fault of their own. Michael was not fired for cause. Nancy didn't lose her job because she did something wrong. The people who did something wrong were in Wall Street, with the Securities and Exchange Commission, creating phony baloney securitization of home mortgages. Most of them got bailed out. The banks are back rolling, firing off the big bonuses, reporting huge earnings, not loaning much money yet but taking care of their folks, rolling in the paychecks and the bonus checks. They are back on their feet again. But for the people who got clobbered by the tsunami of economic catastrophe that the Wall Street implosion and the housing implosion set off, they are still being washed around. Nobody has bailed them out.

Let's extend the unemployment insurance they have been contributing to, that they are a part of. Let's help our fellow Americans weather this unique financial storm.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank the Senator from Rhode Island. He is correct. The folks at the top got bailed out, and middle-class families are stuck on the hook. Five people looking for every one job. It is critical that we act. I am hopeful that instead of hearing another round of no, we will hear yes and that people will come together. There are millions of people out of work who have hit this wall. They are in every State. They are in red States, blue States, purple States. They are in every State. This should not be a partisan issue.

On behalf of millions, at least 2 to 3 million people who find themselves in this particular situation, who are asking us to understand, who are asking us for help, asking us to give a lifeline to them so they can care for their families and get back to work, I ask unanimous consent that the Finance Committee be discharged from S. 3706, the Americans Want to Work Act; that the Senate then proceed to its immediate consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statement relating to the measure be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEMIEUX. Mr. President, reserving the right to object, may I ask of my colleague from Michigan a couple of questions.

Ms. STABENOW. Yes.

Mr. LEMIEUX. We have just been handed this. I wonder if my colleague could let us know what the cost of this bill is and how it is paid for.

Ms. STABENOW. The bill is designated, as other unemployment extensions have been designated, as emergency spending, just as we would do for

any other catastrophe. If 15 million people out of work isn't an economic disaster, I don't know what is. For the millions involved, this is viewed as disaster assistance. We intend to move forward with a sense of urgency to put people back to work so in fact we will turn this economy around.

Mr. LEMIEUX. Respectfully, without knowing how much it is going to cost and how we will pay for it, while we are all certainly sympathetic and want to work to make people go back to work—my home State of Florida is certainly suffering with very high unemployment—we need to know what it is going to cost and how we will pay for it so we don't put the debt on our children and grandchildren.

I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Ms. STABENOW. Mr. President, the reality for us in America is that we will never get out of debt. We will never get out of debt with more than 15 million people out of work. We know it is substantially more than 15 million. We know there are millions of others who have exhausted their benefits. When folks talk about the deficit and leaving the deficit for our children, we will never get out of debt in this country until people get back to work, until they have good-paying jobs. And in between time, we will not move this economy forward until we are helping people to keep going in this recession.

We know from the economists that for every $1 we put into the kinds of benefits we are talking about in this bill, we are stimulating more than $1.40 into the economy. So it more than pays for itself by the economic activity, and it is viewed as one of the top two best ways to stimulate the economy in a recession: to put money in the pocket of people who have to spend it because they do not have a job.

I deeply regret that one more time it is ''object'' and it is ''no'' under the false argument that somehow we cannot afford to stimulate the economy, to understand that this is about Americans who want us to understand what they are going through, and to give some temporary assistance that does stimulate the economy, while we are focusing on putting people back to work.

Unfortunately, this is the end of a week that demonstrates tremendous frustration, after we were able to get the small business jobs bill done, and then we hear ''no'' on efforts to stop jobs from going overseas, and ''no'' on helping the people caught because their jobs went overseas. So I am deeply disappointed. We will continue to bring the case of these millions of people to the floor of the Senate.

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

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

Mr. JOHANNS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 12 minutes as in morning business.

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

(The remarks of Mr. JOHANNS pertaining to the introduction of S. 14 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. NELSON of Florida. 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.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

NASA AUTHORIZATION

Mr. NELSON of Florida. Mr. President, this is a big day because in the House, they are about to consider the NASA bill we passed by unanimous consent in the Senate back in the first week of August. It is on what is called the consent calendar in the House which, in order for any of the six items on that consent calendar to be considered, they have to pass with a two-thirds vote. They are generally items that are less controversial in nature. It is certainly my hope that is going to be the case later this afternoon when the House takes up the NASA authorization bill.

This is so important because the new fiscal year starts this Friday, October 1, and NASA is without direction. Even though the appropriation is going to be decided in our lameduck session starting in November—probably by taking a whole bunch of appropriations bills and putting them together into what is known as an Omnibus appropriations bill and therefore the funding for NASA would be determined at that point. But this bill, the authorization for NASA for funding, for appropriations, is the blueprint, the roadmap. Even though certain appropriations may not be available until November or December, this gives direction to NASA to know what to do.

For example, in our bill—there is an additional shuttle that is ready to fly beyond the two that are scheduled, one for November and one for February. That hardware is ready to go, and there is still additional equipment and supplies that we need to get to the space station. So our proposal in the authorization bill is, which was agreed to by the Senate Appropriations Committee that appropriated very closely to what the NASA authorization bill was in the Senate, it gives the direction to NASA to go ahead and start the preparations for that third flight of which all the hardware is already there. But they have to know that. They can't wait around until next January or February to start that preparation; they have to start it now. These are some of the critical issues.

It is also critical that, for example, at the Kennedy Space Center, there are 1,100 jobs that are going to terminate tomorrow. This NASA authorization bill lays out the program for the future so they can start planning on some of those jobs that would be lost that may not be lost or recalled. That is why it is my fervent hope that we are going to get at least, if not more than, two-thirds of the House voting this afternoon to pass the NASA bill and then send it to the President for signature next week.

Most of us have seen Ron Howard's dramatic film starring Tom Hanks called ''Apollo 13.'' Tom Hanks played the commander of that mission, who was Jim Lovell. Remember, that was the mission, Apollo 13, where en route to the Moon there was a major explosion onboard. We thought we had basically three dead men because how were we going to bring them back. It is one of the greatest space successes coming out of failure because, real time, astronauts back in Houston and the engineers all over America—at the cape, at Houston, all in different NASA facilities, the industries, the aerospace corporations—they all came together trying to figure out how we were going to get this crippled spacecraft back that had just lost its power, that had just lost its engines. Of course, that is one of the great success stories, that they brought it back, and ''Apollo 13'' chronicles that enormous success.

Tom Hanks, who is playing Jim Lovell—in a part of the film, a person asks Jim:

> Jim, people in my State are asking why we're continuing to fund this space program, now that we've beaten the Soviets to the Moon.

This is back in the late sixties and seventies because, remember, it was President Kennedy who said: We are going to the Moon. And we landed well before the Soviet Union did. They tried, but they never could make it. We landed in 1969.

That person said:

> Jim, people in my State are asking why we're continuing to fund this program, now that we've beaten the Soviets to the Moon.

What does Jim Lovell say? He said:

> Imagine if Christopher Columbus came back from the new world—and no one ever returned in his footsteps.

If we had not had discoverers who were willing to discover the unknown, if they had not gone back to the new world, we would not be here today. We would not have this wonderful country that has been built.

I think it is a truth that a society which does not seek to expand and explore is not going to be a society that will foster freedom and creativity, individuality, or progress.

Think about the birth of this Nation. We are, by nature as Americans, our character is that we are explorers, we are adventurers. We set out and explored this Nation, following the longings of our souls. And each generation born since has advanced constantly and consistently, such that today we have to decide where do we go next.

This country always had a frontier. When John F. Kennedy announced that we were going to the Moon, he had an administration that was called the New Frontier. We remember the development of this country. The frontier developed westward. Where is that frontier now? That frontier is upward. Then with the discoveries we are finding in science, it is also inward. It is the discovery of matter. It is the discovery of the workings of the human body and how to keep it healthy. And it is the exploration upward of space.

What President Kennedy said was:

The exploration of space will go ahead, whether we join in it or not.

He said:

It is one of the great adventures of all time—and no nation which expects to be the leader among other nations can expect to stay behind.

Since those prophetic words of President Kennedy back in the early sixties, when the Soviet Union had beat us into space with the first satellite and then beat us into space with the first human to orbit, we see what this Nation has done. Look at what we have received on Earth from the first 50 years of exploring space. We went to the Moon, and we have gone beyond. We have gone out of the solar system with exploring satellites, spacecraft. During this time, this space program has produced thousands of scientists, mathematicians, and engineers. And it has helped make our Nation one of the most advanced and powerful in history. It has advanced the cause of science, and it has dramatically improved the quality of life on the surface of the Earth.

Why do you think we have the GPS that can tell us, at a moment, the pinpoint location of where we are? Why do you think we now take it for granted to turn on our TVs and have instant, uninterrupted communication on the other side of the globe real time? Why do you think we take it for granted that we turn it on if we hear of an inbound hurricane and that we can also monitor climate change?

We now, fortunately, have airbags in our automobiles. We have modern medical miracles such as kidney machines and heart ultrasound equipment and LASIK surgery. Where do you think all these things came from? They came from the spinoffs of the development of technology for the space program.

Look at a little watch such as this, which I have had for years. That came out of the microminiaturization revolution. Where did that come from? Back when we were going to the Moon, we had to develop highly reliable systems that were small in volume and light in weight. That set off the microminiaturization revolution.

As a result of all these spinoffs, we have created new companies and tens of thousands—hundreds of thousands of jobs for skilled workers.

Back in the summer, working with the White House, we developed this bipartisan legislation to get NASA on what we think is off the wrong track and on the right track. As I said in my opening comments, the House is taking up the Senate bill in about an hour, hour-and-a-half.

What the President did was he declared Mars to be the ultimate goal. The goal is not to go back to the Moon. We were there 40 years ago. The goal is to get out of low-Earth orbit, get out of Earth's environment, and to explore the cosmos. The Senate bill provides the blueprint for NASA to lead the way for humans to explore beyond low-Earth orbit.

We recognize that more nations and more commercial operators can get into space. Look at all the private services now that you can get from a satellite: photographs of the ground, photographs of buildings—incredible—high-resolution photography. You can buy that from private companies.

The Presiding Officer used to be a major radio broadcaster off of a satellite radio. Where do you think that comes from? That was developed with technology that came out of the early days of the space program. That has been perfected and is now a multibillion-dollar business that employs Americans. Clearly, the Cold War shaped our space program to begin with—we against our adversary, the Soviet Union, the two nuclear-tipped nations. Look now. We have built the International Space Station with the Russians and 14 other nations.

Now we have the space station there but the shutdown of the space shuttle coming in another year. The space station is being completed in its construction, but NASA was starved over the last decade, and we do not have the new rocket ready. This legislation is going to reduce the time we have to depend on Russia for access to space, even though they have been a good partner, and their *Soyuz* spacecraft is a reliable way to get to and from the space station. It is going to shorten the time we have to depend just on them to get to the International Space Station.

As a result of this new legislation, many of the space centers that would receive huge layoffs—and as I said at the outset, there are 1,100 pink slips that have been delivered and take effect tomorrow afternoon just at the Kennedy Space Center and 1,000 or so more are coming at the Johnson Space Center and other space centers around. So what our legislation will do is it will push NASA's development of a new heavy-lift rocket that will allow us to explore the cosmos, it will push it forward with a goal to fly by 2016, and it would make a significantly higher investment in commercial space ventures, specifically by accelerating the development of commercial carriers to take both cargo and crew to and from the International Space Station.

Previously, NASA was going to shut down the space station by 2015. This is 2010, almost 2011. We are just completing the space station. Are we going to throw away, in 4 years, an investment of $100 billion? No. What this bill does, upon the suggestion of the President—which I appreciate so much—it is going to keep the space station alive until the year 2020.

Now we have the time to move forward and start to get out and explore the cosmos. The bill develops the inspace technology that can help in the servicing and reusing of equipment to lessen the need to launch from Earth for future trips. By that I mean we take this heavy-lift vehicle, we get components up into low-Earth orbit, and in the zero gravity of the orbit with the capability of on-orbit refueling, we can put spacecraft together up there and not have to expend the energy to get out of gravity when we go out to an asteroid or we go out ultimately to Mars. It requires that this heavy-lift vehicle be designed to get us to other points beyond low-Earth orbit in a flexible path to Mars.

Rather than throw away the investments and capabilities that have already been developed in this space shuttle, we direct NASA in this bill, to pursue an evolvable heavy-lift vehicle, one you can build from the existing technology but you can improve that hardware.

At the same time, we insist that it be affordable. Designing and building within a budget is obviously the new challenge for NASA. NASA, too long in the past, has blown through budgets. It is a different day. It is a different discipline. That discipline is going to be needed at NASA.

Our objectives are now beyond just getting to and being in space. We must now answer some questions. Can we harness new sources of energy in space for use there and for use here on Earth? Can we sustain human life on distant journeys? Present technology would take us 10 months. A crewmate of mine is working on a plasma rocket that will take us to Mars in 39 days. But the fact is, once we are there, we have to be on the surface of Mars for a year. Why? Because of the alignment of the planets, to get Mars back closest to Earth for the return trip. Can we sustain that human life? Can we develop the technology for those journeys? What about all the cosmic radiation from the Sun—nuclear explosions. You can't fry your astronauts with radiation on the way to Mars. Can we establish permanent outposts beyond Earth?

Our vision is, we are going to explore asteroids, possibly go back to the

Moon, and then to the surface of Mars, as this country, as the leader, and the rest of humanity journey toward the ultimate destiny in the stars.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. I ask consent to speak in morning business for up to 15 minutes.

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

THE FILIBUSTER

Mr. MERKLEY. Mr. President, we are only a few weeks away now from the November elections. Therefore, this is a time for reflection. For me, it is a time to recognize I am nearly through my first 2 years as a Senator. I must say it is an incredible privilege to come and be part of this debate among these 100 colleagues, representing our 50 States.

It is also time to ponder whether that debate works as well as it might. The Senate is famed as the greatest deliberative body in the world, but I have seen too little deliberation and too much dysfunction. At this time, as we prepare to return back home to our citizens, to talk to our folks back home about the upcoming elections and the ideas they have, it is also time to think about when we come back, after these elections, after a new Congress comes in next January, how can we make this Senate work better as a deliberative body.

My perspective is affected not just by the time I spent here since January 2009 but by the perspective of first coming here in 1976 as an intern for Senator Hatfield. So I thought I would compare the use of what is commonly termed the ''filibuster'' between the 1975–76 session and our last complete session, the 2007–2008 session. We had in that 2007–2008 session the use of the filibuster on amendments 30 times. But if I turn the clock back to 1975–1976, 35 years ago, the number was zero. There were zero filibusters. Then, on motions to proceed, there were 3 in 1975–1976; there were 49 in 2007–2008.

You get the picture. Not only is there a huge increase in the use of the filibuster to block final votes but also a huge increase to stop votes on amendments and a phenomenal increase to stop getting to a bill at all. Again, it was only used 3 times 35 years ago but 49 times in the 110th Congress.

We cannot have a democracy that works if we can't debate and vote on bills. I have been pondering this. I have been pondering how first we need to understand how these rules work. I used the term ''filibuster,'' and indeed with that term everyone pictures ''Mr. Smith Goes to Washington.'' He stops a vote by continuing to speak, hour after hour. But that is not actually how the rules work in the Senate. The responsibility to block a vote, if you will, is not by those who object to the regular order, who object to a vote of 51, but it is on the majority to summon a supermajority.

So take that notion of a filibuster and continuous speaking and set that aside because that is not the way it works in this body. The way it works is if a single Senator objects to the regular order of 51, then the majority must obtain a supermajority of 60 to proceed. That is why you do not see folks holding the floor day and night to block a vote—because they do not have to. It is because the burden is on the majority to get 60 votes to proceed.

This does a lot of damage. It does a lot of damage in terms of delay because when that single Senator says I object to the regular order of 51 and demands 60, not only under the rules do they trigger a 60-vote requirement but they also trigger a 1-week delay.

So you can imagine on a single bill, such an objection on a motion to proceed, an objection on one or two amendments, objection on final passage, and you now have a month wasted in this body without a final vote, with no terrific intervening debate because those who are objecting do not need to stay on the floor and make their case. Not only does this do a tremendous amount of damage to our responsibility as a Congress, as a legislative body, but it does a lot of damage to the other branches of government because it means we cannot process the nominations for the judicial branch. So, many judgeships are sitting empty as a result.

It means we cannot proceed to the nominations of folks for the executive branch. So a President probably gets the Secretaries in place, but often the second and third tier positions that develop the policy and execute the work, implement the plans, those positions are often vacant. There is nothing in our Constitution that says the right to advise and consent and indeed the responsibility to advise and consent gives this body the right to do damage to the other two branches of government. Indeed, it is an abuse of our responsibility to do so.

There are a number of things we should think about. I would like to applaud my colleagues who are putting forward so many ideas: CHUCK SCHUMER, the chair of the Rules Committee, is holding hearings; TOM UDALL, who is carrying our red rule book and studying it and thinking about the ways we can change this body; AMY KLOBUCHAR, who has recognized for a long time that dysfunction is different than deliberation; MICHAEL BENNET from Colorado, and many others—my colleague, AL FRANKEN, who is presiding. So many in the freshman and sophomore classes recognize this body needs to change so we can do the work we are expected to do by the American people.

So what are some of those ideas? One is to greatly reduce the use of the supermajority, which I will call it, because it is a much more accurate description than the filibuster. Reduce the use of the filibuster on nominations. Perhaps it should not be used on any nominations except perhaps to the Supreme Court. But find a line and a method to expedite nominations.

Second, reduce the use of the filibusters on motions other than final consideration of a bill. There should not be a question about whether we get to the point of debating a bill or whether we get to vote on amendments because at each of those points, everyone would obtain or retain the final power to oppose or trigger a supermajority on the final vote.

Then, in regard to the ability to proceed to trigger a supermajority on the final vote, put the responsibility squarely on the minority. It should not be the majority's responsibility to get a supermajority. At least those who are objecting should have to maintain a large number of Senators continuously on this floor day and night. If they believe so much that it is so wrong to proceed to a final vote, they should have the courage and dedication to be here in a substantial number day and night to make their point to the American people.

Let the American people respond to that demonstration of saying: Yes, we are with you or, no, we are not, and let that final vote happen. We have an issue about participation of the minority, and this is an extremely important point. I have heard many of my colleagues across the aisle say: We are not guaranteed the opportunity to have amendments. Well, that is a fair point. What if we were to have in this body a fallback rule so that if the majority leader and the minority leader could not reach agreement on the number of amendments and the content of those amendments to be considered, that there would be a fallback position that both parties would get 5 amendments, or both parties would get 10 amendments, so that we could proceed back and forth—a Republican amendment, a Democratic amendment, a Republican amendment, a Democratic amendment, a debate for an hour and a vote, debate for another hour and another vote, therefore, having to respond and take positions on the issues of the day rather than seeing this Chamber, without action, paralyzed.

These are the types of ideas that we need to wrestle with. We who are privileged to be here as delegates from our States have a responsibility to our citizens not just in our State but all the citizens of this Nation to make this Chamber the deliberative body that was envisioned by the Framers of our Constitution.

That is why next January, when we come in to start the next session, the 112th Congress, we need to have a major debate over our rules. We need to recognize that under the Constitution it only takes 51 Members of this body to adopt new rules. But in that context we have to do honor to the ability of the minority party, whichever party that is, to fully participate in the process.

This situation in which the House passes 300 bills that never see the light

of day, never see consideration in the Senate because we cannot get anything done on the floor of the Senate, must end. We have a responsibility to restore this body to being the greatest deliberative body on the planet.

I yield the floor, and I subject the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

MANAGEMENT OF ARLINGTON NATIONAL CEMETERY

Mr. BROWN of Massachusetts. Mr. President, I am here to talk just briefly about an issue to which I think I have actually found the solution, the one thing that I think we can all agree on, and maybe either before we leave or during the lameduck we can work together on something I think is troubling for everybody of both parties.

I rise to speak today about an extremely important issue that has bothered me as somebody who continues to serve in the military, and others who have any affiliation with the military or care deeply as to how our military servicemembers are treated after they give the ultimate sacrifice; that is regarding the severe mismanagement of the Arlington National Cemetery, which has resulted in the mishandling of remains of many of America's fallen heroes who have served our country and given their lives to keep our Nation safe and our citizens free.

I want to first take a moment to recognize the work of Senator MCCASKILL, the chairwoman of the Senate Homeland Security and Governmental Affairs Subcommittee on contracting oversight on this issue. She and I have held a hearing on this matter. I have to tell you, it was one of the more frustrating hearings I have ever participated in, to listen to some of the responses, the cavalier answers and lack of dignity paid to the reason we are all here. Then to learn that through investigation, the causes of the absurd mismanagement and oversight lapses at the cemetery. During that July 29, 2010, hearing, we took the first step of getting to the bottom of what was going on and working to identify real solutions that will make sure this never happens again.

I am pleased to be on the Senate floor today to announce the introduction of legislation, Mr. President, I hope you will jump on and cosponsor to address these issues and to remedy the problems at Arlington National Cemetery, which I am proud to sponsor with Senator MCCASKILL.

I am sure I do not have to remind everybody listening and watching and anyone who serves here after all the reports that continue to be in the news about Arlington National Cemetery that has suffered from severe dysfunctional mismanagement and lack of established policies and procedures.

I was shocked. I remember during the hearing that they actually still keep all of the information on little cue cards, on little index cards. I mean, I have something that is a piece of modern technology that we can keep everything on in an instant, the way that we communicate around the world in an instant. My kids are using it; my grandkids are using it. Yet here we are, in one of the most historic cemeteries in our country, honoring the people who have given their lives through service, and we are on index cards. Not only that, we are burying them in the wrong grave.

Some graves do not even have bodies in them. I mean, come on. Give me a break. This bill establishes strict and recurring congressional reporting requirements for the Secretary of the Army to provide progress on correcting the management, operations, burial discrepancies, and contracting issues at the Arlington National Cemetery. The act also requires the Comptroller General to report on the management and contracts of Arlington National Cemetery and the feasibility and advisability of transferring Arlington National Cemetery to the Veterans' Administration.

The enactment of this act will also provide the appropriate congressional oversight to make certain that those responsible for managing the cemetery are being held accountable and meeting the highest standards when it comes to ensuring the proper burial of America's fallen men and women.

We absolutely cannot let this happen again at Arlington National Cemetery or any other cemetery. As I said earlier, as a 30-year member of the Army National Guard, I have tremendous respect for the men and women serving in our Armed Forces. I know you do, too, and every other person in this Chamber does who has made the ultimate sacrifice, as well as the families who provide the support to allow them to do their jobs.

These systematic problems at the cemetery have tarnished the sacred trust and are extremely troubling. Everyone entrusted with the solemn obligation has to ensure that the heroes buried at Arlington National Cemetery receive the utmost dignity and respect this country can offer.

Our legislation will help restore that so servicemembers' families will never, ever again have to endure such devastating emotional turmoil. I can't even imagine what it would be like to say: I am going to visit my loved one, and walk in the cemetery and learn the place you have been going for years, your loved one isn't even there or is maybe over there. The cavalier attitude of the people controlling this operation makes me deeply troubled.

Our legislation will provide assurances to our military members and their families that corrective actions are expeditiously implemented and that management of the cemetery will be fixed and fixed soon.

I am hopeful my Senate colleagues will join me and Senator MCCASKILL in supporting this very important piece of legislation. I hope this is one piece of legislation we can all agree on and get done and send a powerful message to the families and the service men and women who are serving that we are not going to let this happen any longer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

SENDING JOBS OVERSEAS

Mr. DORGAN. Mr. President, today I wish to describe my disappointment at the vote yesterday, a vote on whether we were going to shut down the drain in this tub of ours down which we are draining American jobs. We are trying to create jobs and put new jobs into the economy. Now what we have discovered is that the drain is wide open. Even as we talk about this, we have American jobs going overseas in search of cheap labor. We actually give a tax break in our IRS Code for allowing companies to shut their American plant, get rid of their American workers, and move jobs overseas. We tried very hard to change that. I have tried that in the past on four occasions. Yesterday was the fifth vote to say, at least let's stand up for American jobs. Let's not give a tax break to move American jobs outside of the country, especially at a time when millions of Americans are out of work. Let's not do that.

The proposal was to shut down that unbelievable tax break. The vote was, no, we can't do it. Apparently on the floor of the Senate there is plenty of support for Chinese jobs. I didn't notice anybody got up in the morning to come to this Chamber to support Chinese jobs. It seems to me the hard work here is to support American jobs.

I see the two leaders. When they wish to seek the floor, I will continue my discussion.

I can't tell you how disappointed I am. Every member of the minority voted against a bill that stands up for American jobs and shuts down the tax break for moving jobs overseas. We did get 53 votes. In other eras of the history of the Senate, that would be enough to pass legislation. Here it is not because everything needs 60 votes.

Let me yield the floor with the understanding that when the leaders are completed with their work, I know they have some important work trying to wrap up the business of the Senate, I want them to be able to do that, and then I will be recognized when their activity transpires.

I yield the floor.

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

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time be considered yielded back and the motion to proceed to H.R. 3081 be agreed to; that the Senate then proceed to the consideration of H.R. 3081; that the bill be considered under the following limitations; that the only amendments in order be the following: Inouye substitute amendment, which is at the desk, and that once the amendment has been reported by number, it be considered read and not subject to division; Inouye title amendment; DeMint amendment regarding extending length of time on the continuing resolution; Thune amendment regarding reducing spending levels; that this amendment not be subject to a division; that general debate on the bill be limited to 2 hours equally divided and controlled between Senators INOUYE and COCHRAN or their designees; that debate on each amendment be limited to 30 minutes, equally divided and controlled in the usual form; that upon the use or yielding back of all the time, the Senate proceed to vote with respect to the amendments to the substitute in the order in which they were offered; that each of the amendments to the substitute amendment be subject to an affirmative 60-vote threshold and that if they achieve that threshold, then they be agreed to and a motion to reconsider be laid on the table; that if they do not achieve that threshold, then they be withdrawn; that upon disposition of the amendments, the substitute amendment, as amended, if amended, be agreed to, the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill; that upon passage, the title amendment which is at the desk be considered and agreed to; further that no Budget Act points of order be in order to the substitute or the bill. Further, that if there are any sequenced votes, then there be 2 minutes equally divided and controlled in the usual form prior to each vote and that after the first vote, the remaining votes be limited to 10 minutes each.

I also want everyone to understand it is my understanding Senator LEMIEUX wants to offer an amendment by consent to this agreement I just read.

Mr. MCCONNELL. Mr. President, it is my understanding he will offer that later. We can proceed then.

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

The Senator from North Dakota.

SENDING JOBS OVERSEAS

Mr. DORGAN. Mr. President, this unanimous consent agreement means we are now on a timeline to finish passing a continuing resolution very soon. I appreciate the work everyone has done. I do want to finish what I was saying.

It was a profound disappointment to me that after all of this time, going back 9 years and five votes, that we were not able to get sufficient votes in the Chamber, 60 votes to shut down a tax provision that rewards people who actually move their jobs overseas from this country. I won't go through the presentations I made previously, but it is quite clear that we need, on behalf of the American people, to say: Our job is to stand up for jobs in this country. Our work is to help people get back to work here and to support businesses which produce in this country, which decide to rent the building and hire the employees and produce here. That is what we ought to stand for. Yet those who produce here and stay here are at a disadvantage, because there is a tax break given to those companies that move overseas and hire foreign workers and then sell back into this country. That was the debate yesterday and the vote. Regrettably, not one Member of the minority voted with us. That is a profound disappointment. We will all get over that. But the people who are unemployed will not, if these jobs keep moving overseas. That is the point.

NEW YORK PHILHARMONIC IN CUBA

I did want to come for another reason. I will do this quickly. A long while ago I was on the floor talking about something that I think should happen, and it needs the approval of this government to make it happen, the approval of a license to make it happen. That is for the New York Philharmonic to be able to perform in Havana, Cuba. It would be a wonderful thing. They had to cancel a previous appearance because they couldn't get a license from their government to allow them to do it.

Let me describe with a couple charts what brings me to this point and the reason I want to talk about it for a moment. This is in the middle of the Cold War with Russia. This is Leonard Bernstein and the New York Philharmonic shown here performing in Moscow in 1959. It is the oldest symphony orchestra in America, since 1842, one of the most renowned cultural ambassadors for this country. It has performed all around the world in 59 countries on 5 continents. It performed many times in Communist countries with the full blessing of the U.S. Government. At the height of the Cold War the orchestra was enthusiastically received in Moscow. The audience applauded for 30 minutes following their performance. Conductor Bernstein took the New York Philharmonic to Moscow. Think of it.

In addition to performing in Moscow, the New York Philharmonic has performed elsewhere. They have performed in North Korea. I have seen the DVD of that performance. It was quite extraordinary, February of 2008 in the capital of North Korea, the first ever concert by a U.S. orchestra within the boundaries of that secretive state. We know that there is a lot wrong with North Korea, but the conductor and the president of the Philharmonic told me and a group of Senators that the State Department encouraged the visit of this orchestra, assisted with arrangements. The concert In Pyongyang was broadcast live on State radio and television. They played music by George Gershwin in North Korea's capital, even played the Star-Spangled Banner. I saw the video. The audience continued to applaud long after the orchestra had completed its music and left the stage.

This is a photograph of Hanoi, Vietnam in 2009.

The New York Philharmonic orchestra performed there, in Hanoi, Vietnam. The demand for tickets was so great they simulcast the concert live out on the streets of Hanoi.

The only country in the world in which the Philharmonic, at this point, is not able to perform in is Cuba. They had to cancel a previous visit to Cuba in October 2009. It was planned. But it was cancelled because they could not get a license from our government to travel to Cuba.

The U.S. government allows anyone, including an orchestra, to travel to North Korea, to Iran, to any other country in the world; but you have to have a license to travel to Cuba. Why is that the case? Because the Castro brothers have stuck their fingers in America's eye for a long time. We have an embargo against the country of Cuba, and we decided we were going to take care of the Castro brothers in Cuba by punishing the American people and restricting their right to travel to Cuba, unbelievably, in my judgment. We say to the American people: We are going to fix you. We will restrict the rights of the American people to travel to Cuba. So they have.

Senator ENZI and I have a bill with a large number of cosponsors in the Senate that would lift that travel restriction.

The reason I brought this issue to the floor of the Senate today is, I feel it is time to get a positive answer from this government—the Treasury Department and the State Department—to give a license to the New York Philharmonic to make this trip and perform in Havana, Cuba. They should not have to keep cancelling their plans because of U.S. government restrictions.

Some say: Well, what is the difference? What matter does it make if they are not able to travel? Do you know what? If you watch the DVD of the New York Philharmonic performing in North Korea in 2008, and then take a look at the clips and the pictures of them in Moscow in 1959, and then ask yourself whether it makes a difference for us to be able to send, in a cultural exchange, this wonderful, unbelievably world-class orchestra to perform in these countries. I think it makes a difference.

We are in a circumstance at the moment where if you do not have a license to travel to Cuba, violators, U.S. citizens, can be fined up to $50,000 by their government. It does not make any sense to me. That needs to change. Criminal penalties could be $250,000 and

10 years in prison for violating the travel ban. We need to change all that.

In the meantime, I believe this government needs to provide a license, and they can do it under existing circumstances without changing the policy at all. They need to provide that license to allow the New York Philharmonic to be able to perform in Havana, Cuba. I am talking to the Treasury Secretary and the Secretary of State and asking for their cooperation. This is not something that is difficult. This can be allowed under existing rules. Members of the New York Philharmonic, and those who work with them and those who sponsor them, who would participate fully in the youth programs in Havana, Cuba, can be, in my judgment, approved with a license from the Treasury Department. I hope Secretary Geithner understands that and will take appropriate action. I know the Secretary of State wishes to see this happen. I believe the Treasury Secretary would as well. I hope within days they will make it happen.

I intend to work next week with all of those principals to see if at last, at long last, we might be able to resolve this issue. This makes no sense to me, to decide that the way we are going to conduct diplomacy is to prevent our Philharmonic Orchestra from playing in Havana, Cuba, given the fact they have played in the capital of North Korea, in Russia, in Vietnam, and more.

Mr. President, I was going to talk a little about energy and my profound disappointment that we are going to end this session without having done something in energy, and how some of us are trying very hard between now and the lameduck session to at least get what is called a renewable electricity standard or at least perhaps get that plus the Electric Vehicle Deployment Act moving so we can advance our country's energy interests. I will find another time to talk about that issue.

I do want to finally say, in addition, before this Congress adjourns sine die at the end of the year, there must—there must—be a solution to two things. One is the Cobell settlement, because American Indians deserve that settlement. It has been negotiated, is done, is ready. This is an abuse of 120 and 150 years. It must be corrected, and that settlement needs to be done. No. 2, what is called the Carcieri fix needs to be resolved.

My colleague, the chairman of the Appropriations Committee, well understands this. Every Indian tribe that was recognized after 1934 has every parcel of land they took into trust since that time now in legal question. The Congress cannot possibly leave this session without addressing that issue. The issue arises from a court decision that in my judgment was wrong, but it places in jeopardy a wide range of facilities on Indian reservations with respect to the status of their property ownership and their lease. I hope and I know Senator INOUYE shares my feelings that we must, before the end of this year, address both of these issues.

Mr. President, I yield the floor.

Mr. INOUYE. Mr. President, I wish the RECORD to show that I concur fully with my colleague and that I will do my absolute best to see that his views are carried out.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the motion to proceed is agreed to and the clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, today is September 29, which means that fiscal year 2010 will come to an end tomorrow at midnight. We should all keep that in mind because in order to avoid a government shutdown, the Senate must act now to send this essential legislation to the House of Representatives.

I do not believe any of my colleagues wish the Government of the United States to be shut down on Friday, so I am hopeful we can avoid unnecessary amendments and work in a bipartisan fashion to pass this CR and send it to the House.

This is a clean continuing resolution that includes only those exceptions that are critical to allow the government to carry out its responsibilities. I would note that according to the CBO scoring of this bill, this resolution will fund the government through December 3, 2010, at a rate that is approximately $8.2 billion below fiscal year 2010 enacted levels.

Vice Chairman COCHRAN and I have done our best to ensure that this CR includes only the bare minimum of what is necessary to continue government operations until Members on both sides of the aisle are able to work out their differences and complete action on this year's appropriations bills.

In addition, the CR extends the temporary assistance for the Needy Families block grant program, which provides necessities such as food and clothing for those hardest hit by the struggling economy. This resolution also extends the current GSE loan limits, to prevent a disruption of the home mortgage market. Finally, this measure will fund current military operations for the next 2 months, ensuring that our soldiers, sailors, airmen, and marines will have what they need to carry out their missions.

While I know there are many additional matters which the administration and other Members of the Senate wish to have included, we have been unable to reach a bipartisan agreement to do so. But I can assure my colleagues that everything essential to continue government services has been included.

Time is short, and we have before us a clean CR that has the bare minimum of exceptions necessary to avoid disruptions to government services that is approximately $8.2 billion below fiscal year 2010 levels, and that has the approval of both the majority and minority leaders.

I urge my colleagues to vote to support this CR and to send it to the House as quickly as possible.

I reserve the remainder of my time, 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. INOUYE. 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. INOUYE. Mr. President, I ask unanimous consent that the time expended during the quorum call be equally divided on both sides.

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

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

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

Mr. CORKER. Mr. President, I want to speak for a few minutes. My understanding is that Senator THUNE is coming to the floor in a moment to offer an amendment to the continuing resolution that would reduce spending in the continuing resolution by 5 percent on discretionary items that are nondefense oriented.

I want to say that I just came from a meeting with Chairman Bernanke talking about our debt situation. I know we have a Deficit Reduction Commission right now that is working on that and will have a report due on December 1. But I think everyone in this body understands it is a huge issue for our country and that right now the markets have allowed us to have lower interest rates because we are considered to be a safe haven. But the fact is, at some point in time we all understand this is going to disconnect and, in fact, we will pay higher interest rates because of our lack of ability to control our spending.

I think a great first step for us to be able to walk into—hopefully, something constructed by the Deficit Reduction Commission and, if not, by our own actions this next year, where we know the No. 1 issue that threatens our economic security in this country—and

by virtue of threatening our economic security, it threatens our national security—is the huge amount of spending that is taking place. I think we have all seen throughout the country what I would say is a very centered and deep concern about the amount of money we spend here in Washington.

I want to say, anybody who thought last year's appropriations bills were far higher than they should have been should support the Thune amendment. The fact is, what we are actually doing by virtue of the CR that has been offered is we are actually continuing spending at 25 percent of our gross domestic product, which is a full 5 percentage points above our historic 50-year average of 20.3 percent.

I think the Thune amendment is an appropriate first step. I think all of us in this body know that over the course of the next couple years we are going to have to take Draconian steps to rein in spending, which has been out of control. We are operating this year without even a budget.

I do not cast blame. I just want to focus on solutions. The very best way we can start walking toward a solution that ensures continued economic security in this country is to support the Thune amendment.

I am here to talk for a few minutes. I know the Senator from Arizona has just stepped on the floor. I think the Thune amendment is thoughtful. I hope all of us on both sides of the aisle will consider it thoughtful, and that we will get behind it.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, obviously we are 1 day away from the end of the fiscal year. We have before us a continuing resolution, better known as a CR. It totals over $1.1 trillion to fund the operations of the Federal Government through December 3, after the elections.

In addition to continuing appropriations, this measure also includes numerous authorizing provisions from the fiscal year 2011 Defense authorization bill. We shouldn't have to selectively tack important, defense-related provisions on to appropriations bills in order to meet the pressing needs of the Armed Forces.

The majority has decided to wait until the very last minute to bring this stopgap measure to the floor with the hope that Members will simply vote yes so that we can all go home and focus on the upcoming elections. I will not be voting yes. I will be voting no. If we pass this resolution, we can be assured that we will be considering yet another massive omnibus spending bill in December. The simple fact that we are considering this continuing resolution is evidence of the majority's inability to lead effectively and do the people's business.

As I said, we are 1 day from the end of the fiscal year. This body has not considered a single one of the annual appropriations bills on the floor. We have a $13.5 trillion debt and a deficit of nearly $1.4 trillion. Yet we have not debated a single spending bill or considered any amendments that would cut costs or get our debt under control.

Furthermore, the majority decided they just didn't feel like doing a budget this year, so we didn't do a budget this year.

On top of all of this, the majorities in both Houses have decided there will be no debate, no vote on extending the tax cuts that are due to expire at the end of this year. On Monday of this week, the New York Times published an editorial called ''Profiles in Timidity.'' The editorial stated, in part:

> We are starting to wonder whether Congressional Democrats lack the courage of their convictions, or simply lack convictions.
>
> Last week, Senate Democrats did not even bother to schedule a debate, let alone a vote, on the expiring Bush tax cuts. This week, House Democrats appeared poised to follow suit.

The New York Times goes on to say:

> This particular failure to act was not about Republican obstructionism . . . This was about Democrats failing to seize an opportunity to do the right thing and at the same time draw a sharp distinction between themselves and the Republicans.

Those are not my words; those are the words of the New York Times.

Anyone who converses with people in the business community around this country, whether it be small businesspeople or whether it be the largest, all of them will say the same thing: We have no certainty about what the financial future will hold, whether we will see tax increases or whether we will see tax cuts. What about the estate tax? What about all of these other ''tax cuts'' that will or will not be extended?

So rather than act one way or the other, we have now punted the ball down the field until after the election. At least we should have taken it up and debated and voted. I will stand by my vote to extend all the tax cuts because I don't believe we should increase anybody's taxes in tough economic times. But instead we will punt, go home, campaign, and then sometimes be curious why the approval rating of Congress is somewhere in the teens.

We have no business at the eleventh hour considering a continuing resolution so we can pack up and go home. We should stay here, in session, and consider each and every appropriations bill in regular order and give Members ample opportunity to offer amendments. Following that, we should debate the Defense authorization bill and consider all amendments by Members, not just those the majority deems necessary to please their base.

When the authorization bill was proposed to be brought up on the floor of the Senate, on this side, we said: Let's have 10 amendments on either side—10 amendments on each side—and we will move forward with regular debate and votes. The majority leader didn't want that to happen. The majority leader only wanted to consider don't ask, don't tell, secret holds, and the DREAM Act, and then take the bill off the floor and wait until—guess what—after the elections. That is not how this body should operate. We should consider all amendments. We would agree to time agreements. And if there are tough votes to be taken, that is why we are sent here—to take tough votes.

We should debate and vote on whether to extend the tax cuts, as I said. Each day this issue is left unresolved, millions of American taxpayers and small business owners are left without the ability to properly budget for the next year.

At a townhall meeting, a guy stands up and says: I am a CPA. I make a living advising people how they should adjust their estates and their expenses and their investments based on, at least in part, what kinds of tax liabilities they will be facing. I can't do my job because we don't know.

The environment of uncertainty is holding back investment and job creation in this country, and at least the people of this country should have the right to know what their taxes are going to be next year. That won't be the case.

Let me return for a minute to the continuing resolution and the very serious concerns I have about one of its provisions. According to the Appropriations Committee and press reports, section 146 of this bill would authorize Fannie Mae and Freddie Mac to continue buying and guaranteeing mortgages up to $730,000 in expensive housing markets through September of next year. Under current law, that amount was scheduled to drop to $625,000 at the end of this year. One would think that by now we would all be sensitive to the disastrous fiscal implications of Fannie's and Freddie's performance and find ways to rein them in rather than maintain or expand their operations. Fannie and Freddie are synonymous with mismanagement and waste and have become the face of too big to fail.

Congress had the responsibility to ensure that Fannie and Freddie were properly supervised and adequately regulated. Congress failed, and the devastation caused by that failure continues to reverberate across the Nation every day.

A recent editorial in the Dallas Morning News said:

> They—Fannie and Freddie—had long ago evolved from the modest backer of loans that met high underwriting standards into full-scale casino players in high-risk mortgages. By purchasing or backing the loans of mortgage companies and banks, Fannie and Freddie made it possible for lenders to create more money for new loans to new homeowners.
>
> But Fannie and Freddie also conveniently benefited from their hybrid status: They could make loans at advantageous rates and run to Washington at the first sign of trouble. As a major political donor, they seldom

heard the word ''no'' anywhere inside the Beltway.

That is right. They seldom heard the word ''no'' anywhere inside the beltway. Some suggest that because of their deep pockets and generous campaign contributions, Congress routinely overlooked the growing problems at Fannie and Freddie and allowed them to continue operating in the most obscene, corrupt fashion.

So where are we now? To date, the American taxpayer has spent $160 billion to bail out Fannie Mae and Freddie Mac, and experts estimate those costs could rise to over $1 trillion. Isn't it time we phase them out of being a government-supported enterprise? So why in the world would we provide these failing institutions with authority to continue to buy these high-dollar mortgages? It makes no sense.

My colleagues might recall that in May I offered an amendment to the financial regulatory reform bill to address the serious problems surrounding Fannie Mae and Freddie Mac. The amendment was designed to end the taxpayer-backed conservatorship of Fannie Mae and Freddie Mac by putting in place an orderly transition period and eventually require them to operate without government subsidies on a level playing field with their private sector competitors. Unfortunately, but not surprisingly, that amendment failed.

The time has come to end Fannie Mae and Freddie Mac's taxpayer-backed free ride and require them to operate on a level playing field. Fannie and Freddie continue to post loss after loss and are failing right in front of our eyes. For Congress to yet again allow them to continue business as usual is the height of irresponsibility.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, a cursory review of the record will indicate that the Appropriations Committee has 12 subcommittees. Eleven of these subcommittees have reported their bills to the full committee, and they have all passed. They are on the desk, ready to go. But something has happened in the interim.

I ask my colleagues to keep in mind that the bulk of them—by that, I mean nine of the subcommittee bills—were passed by the middle of July. That is a long time ago. We have had hearings with not one or two witnesses but hundreds of witnesses. We have discussed and debated all of the items in the measure, and we present that to the floor and we try to schedule them, but there are holds and threats of filibuster and such. Therefore, I want the Senate to know that the Appropriations Committee has done its utmost to make certain that these measures are passed in the regular order.

One subcommittee has not been able to conclude its resolution because a new budget agreement just came in—a budget amendment which the committee has to consider, and therefore they have to look it over. We are not just cursorily rubberstamping every budget amendment.

AMENDMENT NO. 4674

(Purpose: In the nature of a substitute)

Mr. President, I have a substitute amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 4674.

Mr. INOUYE. 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 printed in today's RECORD under ''Text of Amendments.'')

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his suggestion for a quorum call.

Mr. INOUYE. I will. I did not see the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wish to spend a few minutes talking about where we are. There is no question the chairman of the Appropriations Committee has finished his bills, and they have not come up. But the quality of the work doesn't meet with the depth of the problem we have today, No. 1; No. 2, it doesn't address the concerns of the American public.

So we are going to have a continuing resolution that we are going to pass through this body tonight, probably by a vote of about 80 to 20 or 75 to 25. But the signal we are sending is based on our tin ear. We are going to continue spending at the same rate we have been spending. We are borrowing $4.2 billion a day under this continuing resolution. The government now is twice as big, in terms of expenditures, not including the war, as it was in 1999. We are not addressing what the American people want us to address; that is, that we ought to start living within our means.

I will not offer an amendment to the bill. There are several amendments. My colleague from South Dakota offered one that will bring us back to 2008 levels, but that is not enough. The fact is, we have to engage the American public in what is rightfully a cogent criticism of the Congress; that is, that we are allowing wasteful Washington spending to go on, not by intent—and I am not questioning anybody's motives—but the fact is, we have not done our job in terms of oversight.

We heard Senator MCCAIN talk about the tax cuts and raising taxes during a very soft economic time. The vast majority of the Americans don't want us to do that. I don't know why we are not discussing it, and I don't know why we are leaving town before we send that signal, but that is way above my pay grade.

What I will tell you is, I can take any group of Americans and sit down and go through this with them and show them, without question, $350 billion worth of waste every year in the Federal Government. The amendment of my colleague from South Dakota is cutting less than $50 billion from what we are going to spend—in fact, we did it in 2008, other than for homeland security, defense, and veterans. So even though I love what my colleague is doing, it doesn't go nearly far enough compared to what the real need is for us.

There are two real needs. One, if we are going to finance the debt we have today, we have to send a message and signal to the world that we are interested in getting our house back in order, that we are interested in becoming efficient, and interested in becoming austere with our taxpayers' money. The second message we need to send is to those who have capital in this country; that they, in fact, can have confidence that we are going to right this ship, and we will start seeing them deploy some of those assets to create the very jobs we so desperately want for the American people who do not have them today.

I have been here long enough to know what is going to happen. But what I wish to do is register my dissatisfaction that we are not addressing the real problems in front of our country today. Instead, we are ducking out on tough decisions so we can go home—and I am up for reelection as well—and get to the voters. My question is a much more powerful message than going to the voters; it is us making hard choices that the American people want us to make.

This week, the 2010 fiscal year is coming to a close. On October 1, 2010, it will become the new budget year. Here is what we failed to do as a body—our fault just as much as yours. We didn't pass a budget. We didn't set priorities. We didn't decide where to spend and where to save. We didn't pay for new spending—$266 billion in the last 6 months in this Congress on new spending that we waived pay-go on and borrowed it against our children. We didn't pass any appropriations bills. We didn't make any tough choices. We didn't conduct any significant oversight on the waste, fraud, and abuse in the Federal Government or the duplication in the Federal Government. We didn't eliminate any duplicative or ineffective programs—not one. We didn't do our job. No wonder America is disgusted with us.

What did we do? We increased the debt limit to more than $14 trillion. We added more than $1.4 trillion to the deficit and charged it to our grandchildren. We ignored the Constitution and expanded Washington's reach into our private lives, shrinking freedom

and growing government. We put ourselves first and the country second. Despite promises from us that government programs can solve every challenge, taxpayers are getting ripped off. We sent $1 trillion of their income to the Treasury this year just to watch it waste $350 billion. At the same time, we created a lot of new programs, and some people are very proud of them. I am very worried about them. But I give you the credit that you went down the road you thought was right and did it.

The real problem is, we are continuing the same old habits. The real issue is, until we truly understand the severity of the difficulty we are in and start acting like we understand it, this ship is going to continue to sink. We are not going to create the confidence in the American public or the $2 trillion that is sitting on the sidelines right now if, in fact, they had a clear signal it would start flowing into investment and capital that would create jobs.

Last December, my office spent 3 weeks just looking at duplicative programs. When we passed the debt limit, we agreed with an amendment I inserted that the GAO would give us a list of those. They are starting that work, and this February we will see the first large tranche of that. It is going to take 3 years to compile that because the government is so big.

We ought to have a little taste, and the American people ought to have a little taste, of what we didn't get rid of and didn't fix. We have 1,399 Federal programs that serve rural America; 337 of them are considered key. One thousand of them aren't considered key. They are not considered substantive. That is before you even take the test of saying whether they are authorized by the U.S. Constitution.

The Federal Government operates 70 programs costing tens of billions of dollars that provide domestic food assistance—70 different programs—and many of them overlap or are inefficient. Most of them cannot demonstrate they are effective. That is according to a recent review by the Government Accounting Office. We didn't fix it. We could have saved taxpayers some of that money. There are 14 programs administered by the U.S. Department of Education related to foreign exchanges and designed to increase opportunities for students to study abroad. Why do we have 14 programs? Why not have one good one that meets the needs of Americans?

We fund 44 job training programs, administered by 9 Federal agencies across the bureaucracy. The cost is $30 billion a year, and we don't know what the overhead is because we have 44 programs instead of 2 or 3. We didn't address any of that. There are 17 offender reentry programs across 5 Federal agencies, costing $¼ billion. There has been no oversight. In other words, we have not looked where the problems are. We have not looked to say: How do we make this government more efficient?

What we have done is to say we are going to raise taxes—or at least we are not going to vote on raising taxes until after the election. No matter whether you are middle income, lower income, or upper income, it makes no sense for us to say we need more money here, when we will not do the very simple job of eliminating the waste.

I don't question the motivation for job training programs; I think they are necessary. I don't question the motivation for food programs; I think they are necessary. But 44 and 70 different programs, with 70 sets of bureaucracies and 44 sets of bureaucracies? Then we are going to tell Americans they should pay more tax, when we will not even do the simple thing to save $100 million here or there. With a $30 billion program, if you save 10 percent, that is $3 billion. So all you have to save is one-tenth of 1 percent or three-tenths of 1 percent. We will not even do that.

I have a book full of duplicative programs. It is available to anybody who wants it. We ought to ask what kind of rating or grade would the American people give us—Republicans and Democrats alike—in terms of running the government, funding the government, and working to make the government efficient and effective. I don't think we have any good defense. I think people's intentions around here are excellent, but we never get around to the hard work of holding the bureaucracies accountable.

Senator CARPER had a great hearing today on the Defense Department and the fact that the Defense Department is trying to get where they can manage what they are doing by measuring it with a significant system, in terms of IT. It is just $6.9 billion over budget. Where is the oversight on that procurement? What the GAO said is the following: The management was ineffective at looking at those programs. The management was ineffective in the testing of those programs during their development. The management was ineffective in terms of the procurement of those programs. When I asked the heads of every branch in the military whether they agreed with that, they said, yes, they agreed they were ineffective.

We don't have anything in the appropriations bills to change that effectiveness. We didn't have anything in the Defense authorization bill to change that effectiveness. We are just going to let it go on, and next year it will be $7.9 billion or $8.9 billion over. So we are not doing our job.

That is not to question my colleagues' motive; it is to raise the awareness that the jig is up. The American people know we are not doing our job. They want us to start doing our job—both Republicans and Democrats.

We have several colleagues on the floor. Rather than take more time, I just note that I am consistent in terms of coming down here and worrying about our future. I have done so for 5½ years—much to the chagrin of a lot of my colleagues. I wish to leave you with one statement.

Our children deserve to have the same opportunities in this country that we have experienced. By us failing to do the very duties that are called upon us in a rational, straightforward basis, of doing oversight of the Federal Government and making the hard choices, we abandon our oath, but, more importantly, we steal the heritage that was given to us.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 4676 TO AMENDMENT NO. 4674

Mr. THUNE. Mr. President, I ask unanimous consent to call up my amendment No. 4676 and ask that it be made pending.

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

The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 4676 to amendment No. 4674.

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

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

The amendment is as follows:

(Purpose: To reduce spending other than national security spending by 5 percent)

Strike section 101 and insert the following:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) Division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118).

(2) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111–212).

(3) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010, division E of the Consolidated Appropriations Act, 2010 (Public Law 111–117).

(4) Chapter 3 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212), except for appropriations under the heading ''Operation and Maintenance'' relating to Haiti following the earthquake of January 12, 2010, or the Port of Guam: *Provided*, That the amount provided for the Department of Defense pursuant to this paragraph shall not exceed a rate for operations of $29,387,401,000: *Provided further*, That the Secretary of Defense shall allocate such amount to each appropriation account, budget activity, activity group, and subactivity group, and to each program, project, and activity within each appropriation account, in the same proportions as such appropriations for fiscal year 2010.

(5) Section 102(c) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212) that addresses guaranteed loans in the rural housing insurance fund.

(6) The appropriation under the heading ''Department of Commerce—United States

Patent and Trademark Office'' in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111–224).

(b) Such amounts as may be necessary, at a rate for operations 5 percent less than the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80).

(2) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85).

(3) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111–88).

(4) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111–68).

(5) The Consolidated Appropriations Act, 2010 (Public Law 111–117), except for division E.

Mr. THUNE. Mr. President, as you know, the budget-appropriations process has broken down. Neither the House nor the Senate passed a budget resolution which provides a basic roadmap for our spending decisions for the next fiscal year.

As a result of not having a budget, not a single appropriations bill has been signed into law for the new fiscal year that starts tomorrow at midnight. The House has passed only 2 of its 12 appropriations bills. Unfortunately, this 17-percent batting average, 17-percent success rate surpasses the Senate which has failed to pass any of the 12 appropriations bills.

Because of this, we find ourselves considering a measure to provide stopgap funding through December 3 to provide more time for completion of our annual appropriations bills.

This delay and lack of floor debate on any of the annual appropriations bills has prevented us from having a much needed debate on the size of government and the amount of money we should be spending.

Keep in mind, the overall growth in nondefense spending since 2008 has amounted to roughly 21 percent at a time when inflation has amounted to only 3.5 percent. This excludes any mention of the $814 billion stimulus bill.

The continuing resolution before us today seeks to provide funding at the same rate as fiscal year 2010. I will say that I am somewhat pleased to see that my colleagues on the other side of the aisle have not attempted to add other funding measures to this measure. That is commendable that we at least are going to do a continuing resolution that is relatively speaking clean. It would be my preference to dial back the overall spending level to the fiscal year 2008 levels.

I have introduced legislation that will do just that, as have some of my colleagues. Senator INHOFE from Oklahoma has a bill that will do that. Some of my House colleagues have come up with a similar proposal that will do that. I guess I would say to my colleague from Oklahoma who just got up and spoke and mentioned this amendment probably does not go far enough that I do not disagree. Frankly, I would like to see us go back to the 2008 levels.

What I am trying to do today is seek the support of my colleagues to at least take a measured step in reducing discretionary spending. My amendment simply seeks to reduce by 5 percent accounts not related to defense, homeland security, or veterans. This would not affect funding for the START treaty or any of the other new provisions in this continuing resolution.

On an annualized rate, it would, however, save us about $22 billion compared to the $1.25 trillion score that CBO has provided for the proposed continuing resolution before us today.

While this is a modest number and it is not going to solve our debt problems overnight, it is a necessary first step to reduce spending. Since nondefense discretionary spending has grown over 21 percent in the last 2 years—again, at a time when inflation was only 3.5 percent—I think the least we can do is support this reasonable reduction until we return after the election to decide what the remaining funding level should be for the fiscal year 2011 spending bills.

To put things into context as my colleague from Oklahoma, who just finished speaking, has done, we are looking at a $13.4 trillion debt. Our deficit for 2010 is estimated to be $1.3 trillion. About 40 cents out of every dollar that is spent in Washington, DC, by the Federal Government now is borrowed.

If we look at the last 34 years, there have only been four times—4 years—where all the appropriations bills have been passed on schedule.

If we actually did go to a freeze at 2008 spending levels and index it for inflation, it would save $450 billion over 10 years. That makes a lot of sense.

As I said, that is legislation I introduced earlier. At a minimum, what we ought to be able to do is say to the American people, at a time when many of their family budgets are shrinking, at a time when they are trying to make ends meet, that we get it. In Washington, DC, we understand: You want our Federal Government to do with a little bit less.

What I am proposing is a 5-percent haircut; that is all, 5 percent. That is the least we can do for the American people at a time when, as I said, we are running these $1.3 trillion deficits and have future generations of Americans faced with a massive amount of debt that will be on their backs for generations to come.

I hope today we can find the political will in the Senate to take what I think is a very modest, a very measured approach to reduce spending in this continuing resolution by 5 percent. When we come back in December, we can have a full-blown debate about what the size of government should be, which we should be having now and should have been having throughout the course of these last few months when these appropriations bills should have been debated and should have passed a budget.

That being said, we do not have a budget. We have not passed appropriations bills. We are where we are. The least we can do, in fairness to the American people, the taxpayers of this country, is send a clear message to them that we are going to do a modest amount, at least a 5-percent reduction over last year's level in this continuing resolution and try in a very small way to get some of the overspending that is occurring in Washington, DC, under control.

Mr. President, 21 percent over the past 2 years at a time when the inflation rate was 3.5 percent, meaning that we are spending at the Federal level five to six times the rate of inflation, what the rate of price increases are across this country for most Americans. That is not fair to the American taxpayers. I hope my colleagues will support this amendment.

The Senator from Massachusetts is here. I believe he wants to speak as well to this issue and to this amendment. I yield as much time to him as he may consume.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I thank the Senator for yielding. I stand here in support of the Thune amendment and thank him for his leadership on this good first step.

To me, it is pure common sense. I agree with everything he has said in terms of we have overspent. It is time to draw a line in the sand, lead by example, and show the American people that they are doing without, and we can do without.

We are only talking about 5 percent. It is $22 billion. I remember—it seems like 10 years ago I got here. I remember being in the Massachusetts Legislature, and we were throwing around millions. Here they throw around trillions like it is nothing. I know it is only $22 billion we can save, which is still real money where I come from, and so over $300 billion potentially over a 10-year period.

It is time. It is time to start leading by example. It is time to show we can also make some cuts. Quite frankly, I do not think they will hurt. We need to send a signal to our constituents and to the rest of the world that we are trying to finally get our fiscal house in order.

I just met with representatives from Great Britain. They are doing across the board a 25-percent cut. They recognize they do not want to be in a similar financial predicament as other countries in that part of the world. They are sending a very powerful bipartisan message to the people in that country

that they have to get their fiscal house in order. We need to start sending that very same powerful fiscal message to do the same thing.

I remember when I got here back in the beginning of January, the national debt was about $11.95 trillion. As Senator THUNE just pointed out, it is almost $13.3 trillion or $13.4 trillion right now. That is less than 7 months. Our deficit is over $1 trillion.

At what point do we eliminate the inefficiencies and duplications throughout our Federal Government, as Senator COBURN has identified cuts in many wasteful programs? I agree with him. We have to start somewhere. Can we not do just one thing—just one, that is it—to show the American people that, yes, we get it, we feel your pain, we get it. It is time. They are sending a very powerful message. They sent it in January and they are sending it again that they are tired of overspending, they are tired of deficit spending, they are tired of overtaxing. We have to get our fiscal house in order.

I thank Senator THUNE for his leadership and Senator COBURN for taking the time to find all these duplicate programs.

Mr. THUNE. Mr. President, before the Senator from Massachusetts yields the floor, will he yield for a question?

Mr. BROWN of Massachusetts. Yes.

Mr. THUNE. I ask the Senator from Massachusetts if he is hearing from his constituents back in his State the same message I hear from my constituents in South Dakota; that is, we are experiencing economic difficulties. In this economic downturn, many people lost jobs, many had a loss of income, many family budgets are being squeezed.

Does not the Senator from Massachusetts hear the same thing from his constituents I hear from South Dakotans; that is, we want the Federal Government to lead by example, and rather than growing at four, five, six times the rate of inflation, actually take some steps to get its spending under control in the same fashion, the same way we are having to do it?

That is what I hear from people in South Dakota. They are tired. They think the Federal Government is growing too fast, has gotten too big. They think it is a runaway train, especially when it is running $1.3 trillion annual deficits.

I think 5 percent on this particular continuing resolution, this funding bill is a modest amount that at least most of my constituents would think is reasonable.

I ask the Senator from Massachusetts if he thinks his constituents believe this Federal Government could live with 5 percent less at a time when they are living with a lot less in many circumstances?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I thank the Senator for his question. I commend his constituents on having the foresight to instruct him and let him know they are hurting. The people in my State are hurting also. They are absolutely concerned about the disconnect between Washington and the State I represent.

What I notice not only in Massachusetts but my travels throughout the country is that they believe the people in Washington go around saying: You are great, you are great, everything is wonderful, there is no recession in Washington. All the restaurants are full. The housing market is great. Everything is great around here. But outside that, they say: He doesn't get it; she doesn't get it; we are going to make a statement pretty darn soon.

They are absolutely looking for fiscal leadership. Listen, there is absolutely a role for government. Government needs to know when to get out of the way also. It needs to know when to get out of the way and let free enterprise and the free market take shape and let us get the economy going through something besides government-created jobs.

I thank the Senator for his question. I agree wholeheartedly, yes, there is a great concern that we are overspending, we are overtaxing, we are overregulating, and we need to make sure this gesture, this 5 percent—I do not want to throw billions around like it is not money, but compared to the trillions we are all used to dealing with here, it is not big money. But I tell you what, it is a very good start. It sends a very powerful message to the people in Massachusetts and throughout the rest of this country and the world that a group of Senators have finally gotten together and have sent a message to the rest of the administration and to the folks that we are going to start to do one thing—just one thing: to start to get our fiscal house in order.

Mr. THUNE. Mr. President, if I might just say to the Senator from Massachusetts, again, I appreciate his willingness to come down here and express his support for this amendment. The Senator from South Carolina is here. I expect he will speak too. He has an amendment he would like to offer as well.

Most Americans believe government spends too much, especially at a time when their budgets, as I said, have been shrinking.

This is the kind of amendment that ought to attract broad bipartisan support. We are going to fund the government with this continuing resolution until December 3 because, again, we have not passed any appropriations bills or a budget—which, by the way is a discussion, perhaps, for another day but one that I think needs to be joined, a debate that needs to be joined, and that is, what are we going to do to fix this broken-down budget process that year after year puts us in a position where, at the very end of the fiscal year, we have to pass a continuing resolution because we have not gotten our work done? That is an incredibly strange way to run a $3.5 trillion enterprise like the Federal Government.

I think the American people deserve better. They need a budget process that has some teeth in it, that is binding, that makes sense, where there is an appropriate role for oversight, as the Senator from Oklahoma pointed out—all the agencies where there is duplication and redundancy where we can find savings. We don't do a lot of that around here because we have a budget process that has broken down.

I have a bill to reform the budget process which, again, I hope is something we can undertake. It is not going to happen now because we are going to wrap things up here this week, it seems. I would be happy to stay around and talk about budget reform, but I think a lot of my colleagues have other things and other places they want to go.

In the meantime, let's at least do something here that will rein in Federal spending and send a very important message and signal to the American people, who have been hurting: The Federal Government here in Washington doesn't live in a bubble, we actually get it, we are listening to the voices of the American people, and we can find a mere 5 percent in our Federal budget, this massive Federal budget, and demonstrate we are willing to tighten our belt a little bit, consistent with what is happening to the American people and the experience they are having in this economic downturn.

I reserve the remainder of my time. I do not know how much time I have left, but I reserve the remainder of my time on this amendment.

The PRESIDING OFFICER. The Senator has consumed all of his time on the amendment.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I commend Senator THUNE for, again, a very small request of the Senate to continue to fund the government at a 5-percent reduction. It is hardly a radical idea—except in Washington. I hope my colleagues will support that.

I would like to talk about another amendment for a minute, but first I think we need to address what I think has been the most irresponsible Congress I have seen in my time here.

Over the last 4 years, the majority has almost doubled the national debt of all previous Presidents in 4 years. We are on that track to do it. This year, things are so bad that we didn't even bother to do a budget. We are not going to show the American people what we plan to spend, what things are costing.

We are trying to get out of town today without passing funding bills to keep the government operating. We have to do a little makeshift continuing resolution. But we are getting out of town without addressing the fact that we are getting ready to stick the American people with one of the largest tax increases in history. By not doing anything, we are voting with our feet to raise taxes on everyone from

the lowest income to the largest corporation, to tax dividends at a higher level, to tax death at a higher level. We are just leaving town.

In the meantime, as people are getting ready to leave town, there are 20 or 30 bills that folks here would like to pass in secret, by unanimous consent, without a vote, without any debate. Some of them have some pretty big price tags. And they are squealing like someone is doing them wrong if we ask for a day or two to read these bills, to see what they cost, to see what they would do to our country.

There is a sense of entitlement here that we have to pass their bill; it is some kind of emergency. But their bills have been hanging around here for months. One of them I just saw was from December of 2009. They are not emergencies, but we have to pass them but we are not going to do the business of the American people. We are not going to carry out our constitutional responsibility to set a budget, to appropriate money for the operation of our government, but we want to get our bills passed and we want to go home.

What we are doing is we are going to pass a continuing resolution tonight to fund the government until December. But the only reason to fund it until December is so we have to come back after the election in a lameduck Congress and pass another spending bill to keep our government going until the new Congress comes in. I think the only reason to do that is so Senators who are not coming back can come here and pass an omnibus spending bill with thousands of earmarks that people have come to expect, so they can take home the bacon to their States one last time.

There is no reason for us to have a continuing resolution that ends in December. We are going to have to come back and use the threat of a government shutdown to force through a bigger spending bill. We should not do that in the chaos after the election.

My amendment would take the exact same continuing resolution that everyone is going to agree on tonight and have it expire on February 4, after we have sworn in a new Congress, after the dust has settled. Then we can make a good decision with people who maybe represent the voices of the American people a little better because they have just come in off of the campaign trail. Instead of passing something in the chaos of November and December, let's do something that is more responsible and more focused.

My amendment is the exact same as the amendment tonight. The only thing it does is it strikes December 3, 2010, and inserts February 4, 2011, so it does not end, there is no emergency, there is no crisis, and there is no threat of a government shutdown. We come back in November and hopefully stop the tax increases and then go home and start over with the new Congress, with folks who are representing the voices of the American people.

My hope is that my colleagues will support this amendment. There is no reason not to support it unless you want to come back here in November and increase spending, pass an omnibus and pass all of these porkbarrel earmarks to take home one last time.

I encourage my colleagues to support the amendment. I understand we will have a vote on it later this evening, and I will reserve the remainder of my time.

AMENDMENT NO. 4677 TO AMENDMENT NO. 4674

Mr. President, I understand I need to offer the amendment.

The PRESIDING OFFICER. Without objection, the clerk will report the Senator's amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4677 to amendment No. 4674: Section 106(3) of the bill is amended by striking ''December 3, 2010'' and inserting ''February 4, 2011''.

Mr. DEMINT. Thank you. I didn't think it would be too painful to read that whole thing at this time. This is one I can guarantee I read.

Do I need to ask for a recorded vote at this time?

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, if I may again repeat, in June of this year, 9 of the 11 subcommittees of the Appropriations Committee passed their bills in the full committee and reported to the desk. They are all at the desk. But somebody held it up, and I can assure you none of us held it up.

I rise to speak against the amendment just submitted by Senator DEMINT, which would extend the CR from the current expiration date of December 3 to February 4 of next year.

I am certain most of my colleagues are aware that the government frequently operates under a short-term continuing resolution, not because they like to do it but because it takes time. It is not the most efficient way to operate. I agree with that. But it is frequently necessary as we resolve the differences over spending levels.

While our agencies decry living under the CR—and I have said many times that this is not the way to run our government—I believe these agencies have learned to operate in the short term, and I emphasize the two words ''short term.'' This CR was crafted with a very narrow focus in the expectation that it would only last 2 months. It was agreed upon by both leaders, the majority and minority leaders.

The minimal authorization extensions were included in a bipartisan attempt to keep this bill as clean as possible. Many requested anomalies were excluded because it was clear the CR would expire on December 3. Hopefully, the Congress will have concluded its work by that date. If not, a new CR will be required, and I can assure my colleagues that it will be significantly longer than this bill, with many more anomalies to cover exceptions that must be continued if this CR is extended.

A short-term CR is not efficient, as I have said before, but it is manageable. However, each week we go beyond that period, we further damage the ability of the government to function effectively. For example, contract awards can be delayed a month or two but not for 4 months.

The Appropriations Committee has worked very hard. We have held many hearings, heard from hundreds of witnesses—not just the administration but opposition witnesses—and in a truly bipartisan fashion come to an agreement on the CR we have before us. A large part of that effort was based on the good-faith assumption that once we agreed on an end date—in this case, December 3—Members and staff would use that date to properly identify programs that needed adjustments in order to function as they were intended.

If we accept this amendment and arbitrarily change the end date to February 4 of next year, we will ensure that the exact opposite will happen: The Government will not function as it should. Let me offer a few specific examples.

As chairman of the Defense Subcommittee, I know there are programs essential to the wars in Iraq and Afghanistan that would be disrupted if the Senate were to arbitrarily change the end date of the CR. To say that our troops deserve better is an understatement of the highest order. As a specific example, the Defense Subcommittee carefully reviewed the plans of the Department of Defense and the Department of State for the authorities under the Pakistan counterinsurgency fund. This authority allows the Secretary of Defense, with the concurrence of the Secretary of State, to provide funding for initiatives to reduce the terrorist presence in Pakistan. The subcommittee concluded that a 2-month delay would have minimal negative impact. However, stretching beyond 2 months could seriously erode our counterinsurgency efforts in Pakistan.

As my colleagues know, new starts are prohibited under CRs, so a CR through February 4 would restrict the DOD from proceeding with any new military construction projects during the first third of the fiscal year. Losing 4 months of the year before DOD can begin to implement its 2011 construction program puts the timely execution of the entire program at risk. Fifty percent of the requested funding is anticipated to be awarded by the end of February 2011.

A longer term CR would result in untimely delays for implementing certain farm bill programs, as requested by the Office of Management and Budget. The delay would present shortfalls in funding for food and drug safety approval programs at the Food Safety and Inspection Service and the Food and Drug Administration due to a shortfall in the budget authority.

A longer term CR would result in untimely delays for implementing certain farm bill programs, as requested by OMB. The delay would present shortfalls in funding for food and drug safety and approval programs at the Food Safety and Inspection Service and Food and Drug Administration due to a shortfall in new budget authority. In addition, if the child nutrition reauthorization is not approved, a further delayed CR will result in reduced food services for children.

As another example, the administration sought to extend a highway provision of interest to Maine and Vermont but since it does not expire until December 17, it was not necessary to include in this CR. But if the CR does not expire until February, that provision is needed.

A final example. The delays that would result from this amendment would stall the implementation of all planned new law enforcement initiatives at the Justice Department, including $366 million in new national security spending intended to improve the FBI's cyber security, WMD and counterterrorism capabilities and to assist in the litigation of intelligence and terrorism cases.

This CR was negotiated in good faith, it has bipartisan support, and it ensures the government will continue to operate in good order until December 3. This amendment violates all three of those tenets. Arbitrarily changing the end date violates our good faith, is highly partisan, and ensures that the government will not function as it should.

For all of these reasons I urge my colleagues to vote ''no''.

Mr. President, I suggest the absence of a quorum and ask that the time be divided equally.

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

The clerk will call the roll.

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

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

(The remarks of Mr. FRANKEN pertaining to the introduction of S. 3888 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. FRANKEN. Mr. President, I yield the floor and suggest the absence of a quorum and ask that the time be divided equally between both sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEMIEUX. Mr. President, in a moment I will request unanimous consent to address an issue important to the people of Florida having to do with the EPA and a mandate set to go into effect next month. The timing of this effort is critical. That is why I take the extraordinary measure of bringing it to the Senate floor today. I wish to make it clear that this effort is bipartisan. I am joined by the senior Senator from my State, Mr. NELSON, in this request. If we don't act, something is going to happen to Florida that will have a grave impact upon our economy. Although this is a Florida-specific issue now, it will have an impact on other States and set a precedent as time goes by.

Let me describe my amendment. Then I will talk about the issue. The amendment would prohibit the EPA from using any of the funds in the continuing resolution to implement or enforce the water standard rules that it is working on for Florida. Due to a consent decree between a group in the EPA which is part of a lawsuit, the rule setting water quality standards for inland waters in Florida is set to be finalized on October 15. It singles out Florida and only Florida for these new water standards. However, how this rule is promulgated will serve as a template for how rules are promulgated against other States. For example, EPA is already looking into an effort to promulgate these standards for the Chesapeake Bay area.

We are not against clean water. In fact, Florida has been working on clean water issues for some time and has made remarkable progress. However, this proposal is going to have a dramatic impact on the State of Florida without peer-reviewed science as the basis of this rule.

I ask unanimous consent to have printed in the RECORD an Article from the Jacksonville Business Journal.

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

[From the Business Journal, Sept. 24, 2010]

JACKSONVILLE SEWER CHARGES COULD DOUBLE

JEA CEO Jim Dickenson said the utility's sewer rates could nearly double by 2014 if new federal regulations require JEA to spend $1.3 billion to remove more nitrogen from its sewage plant discharges.

Companies and hospitals—including Anheuser-Busch InBev, Southeast Atlantic Beverage Co., St. Vincent's Medical Center and Mayo Clinic Florida—are expected to be hit the hardest if the U.S. Environmental Protection Agency toughens its pollution standards in 2012. The new rules, which will also make new development projects costlier, make Florida less competitive with its less regulated Southeast competitors, said Keyna Corey, spokeswoman for Associated Industries of Florida, a business lobbying group with about 8,000 members.

''We're not against keeping the water clean,'' she said. ''I can't recruit a company to a dirty state, but we are going to lose jobs because Florida is the only one doing it.''

The EPA's nutrient-criteria mandate is expected to deal an annual $1.1 billion blow to the state's agriculture industry, costing about 14,500 jobs, Corey said. The new rules are expected to cost the pulp and paper industry more than $169 million annually. The EPA's push for more stringent water pollution rules came after environmental groups, including the St. Johns Riverkeeper and the Sierra Club, sued the agency in 2008, alleging the agency wasn't enforcing the federal Clean Water Act strongly enough in Florida. Under the settlement, tougher criteria will come in mid-October regarding nutrient levels in the state's rivers, streams, springs and lakes.

Nitrogen is the main type of nutrient the EPA wants to reduce in water bodies, because in high concentrations, it can create algae blooms, which can cause fish kills, a localized die-off of the fish population. The St. Johns River was plagued by algae blooms and fish kills this summer.

Dickenson is worried that the $400 million the utility has already spent to reduce nutrient discharges won't satisfy the EPA when it applies the new criteria to the state's estuaries, canals and coastal waters in 2012. If these past projects—aimed at meeting the federal total maximum daily limits rule—don't meet EPA's new mandate, JEA would have to spend $1.3 billion or more to meet the higher standards, since the majority of its wastewater discharges are in the coastal region. The utility has 44 sewage plants.

To pay for the required upgrades, sewer rates would nearly double, causing the average residential sewer rate to increase annually to about $1,400, Dickenson said. The average sewer rate for commercial and industrial JEA customers isn't known, but the rates are expected to be affected similarly.

If the EPA mandate ''would actually help the environment, there would be no objection,'' said Paul Steinbrecher, JEA's director of environmental services, permitting and assessments.

He said JEA's past work to accommodate the TMDL limits brings nutrient levels to the natural level and he is unsure how levels could be further reduced under the new criteria.

The amount of nitrogen discharged annually by the average JEA residential user has decreased from 13 pounds in 1975 to about 2.2 pounds, Dickenson said.

''If we'd known the EPA would change the rules midstream, we'd have done our TMDL projects differently,'' Dickenson said.

The EPA projects the annual cost of meeting the new criteria to be $130 million for all utilities in Florida. Darryll Joyner, chief of the Florida Department of Environmental Protection's bureau of assessment and restoration support, said that's not nearly enough. He projected the actual cost at between $5 billion and $8 billion. The EPA was not available for comment.

Joyner said JEA's $1.3 billion estimate on how much it would have to pay to meet the criteria is correct. He is optimistic that the DEP will be able to make the case to the EPA that improvement gained through meeting the less-stringent TMDL requirements will satisfy the new criteria.

Steinbrecher said he hopes Joyner is right, but the EPA's decision to allow it to enter a ''legal no-man's-land law'' doesn't instill him with confidence.

Mr. LEMIEUX. This rule is going to deal a $1.1 billion blow to the State's agricultural industry. A joint study by the Florida Department of Agriculture and Consumer Services in the University of Florida projects that it could cost in total up to $1.6 billion a year and eliminate 14,500 jobs. The Environmental Protection Agency estimates it

to cost more than between $5 and $8 billion. Water utilities in Florida have estimated that sewer rates would increase by $62 per month or more than $700 per year.

This article from the Jacksonville Business Journal talks about sewer charges doubling in Jacksonville because of the water standard that has not been peer reviewed and does not have the scientific basis it should.

Today, because I was coming to offer this unanimous consent proposal, the EPA has issued a 30-day stay of execution on the implementation of this rule. It was supposed to be October 15. Now it will be November 14. Conveniently, that is the day before we are likely to come back in November and bring Congress back into session. So we will be unable to continue this during our recess. This will most likely go into effect and do damage to Florida.

This is a bipartisan effort. In fact, on the House side, members of our delegation, some 20 of the 25—I believe it is 21, actually—have come together to support not letting this rule go into effect. Senator NELSON and I make this request.

I ask unanimous consent that the LeMieux-Nelson amendment be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection.

Mr. INOUYE. Mr. President, on behalf of Senator CARDIN, chairman of the subcommittee that has jurisdiction over this measure, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEMIEUX. If I may, that is unfortunate. It is unfortunate because this is a bipartisan agreement. This damage is going to be done to Florida, a State that is suffering from the worst unemployment that anyone can remember, nearly 12 percent, and the worst economy that anyone can remember. Now these ill-conceived rules that don't have a peer-reviewed scientific basis will go into effect and impact our economy to the tune of billions of dollars, hurting our workforce and doubling people's sewer rates at a time when they least can afford it. It is unfortunate we have an objection when we have both Senators from Florida, Democratic and Republican, supporting this; when we have the vast majority of the Florida delegation in the House asking for this measure to be stated. It is not saying it would not go into effect. It is asking for more time so there would not be a rush to judgment and it would not be brought into effect in a hurried manner.

It is unfortunate we have an objection when we have such bipartisan support.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I am concerned about the problem in Florida. I am well aware there may be some consternation. But I must once again remind the Senate that we are now considering the continuing resolution as a result of a bipartisan agreement reached by the majority leader and the minority leader. That agreement calls for a clean CR. There are many amendments that my colleagues would like to submit, but we have had to say, reluctantly, no. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INOUYE. 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. INOUYE. 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. INOUYE. Mr. President, I rise to speak against the Thune amendment. There are a number of reasons the Thune amendment is a bad idea. A 5-percent cut across the board may seem reasonable, small, and not a big cut. But it is a devastating cut when Members understand the specific programmatic impact. A 5-percent cut against non-national security accounts would be about $20 billion below the current fiscal year spending level. This cut would be in addition to the current CR level which is $18 billion below the Sessions amendments offered earlier this year.

I remind my colleagues that we have a $5 billion problem outside of all this cutting in terms of addressing the Pell grants shortfall. I believe the vast majority of my colleagues are in favor of the Pell grants. I can assure them that the Pell grant problem is not going to magically cure itself.

Members may try and hide from taking responsibility for the devastating impacts of a generic across-the-board cut of this magnitude, but I am standing before my colleagues now and putting everyone in this Chamber on notice for what the actual impact of passing this amendment will be.

For starters, let me discuss America's security outside of the Department of Homeland Security and outside of the department that handles the southwest border. Cutting funding by 5 percent would mean a loss of $1.5 billion for the Department of Justice. It is not part of Homeland Security and not part of the Defense Department. The FBI's uniform crime report that was just released tells us that violent crime is down 5.3 percent, a decrease for the third year in a row, and a total 9 percent drop since 2006. Now is not the time to cut resources for Federal, State, and local law enforcement partners. We depend on Federal law enforcement to protect Americans from terrorism and violent crime and uphold the rule of law.

Cutting Federal law enforcement by 5 percent across the board would mean 1,650 fewer FBI agents to combat terrorist threats, 420 fewer DEA agents to reduce the flow of drugs across the U.S.-Mexican border, and over 2,000 fewer Federal correctional officers to safeguard our prisons.

In addition to the cuts to the Department of Justice, this amendment would reduce funding for the Treasury Department's Office of Terrorism and Financial Intelligence and Financial Crimes Enforcement Network by $8.8 billion. Cuts of this magnitude would cripple the Treasury Department's unique efforts to keep our country safe.

Specifically, the Office of Foreign Assets Control would be forced to cut staff who enforce the Iran and North Korea sanctions programs and sanctions efforts aimed at al-Qaida and its affiliates, terrorist groups in Afghanistan, international drug traffickers, and other national security threats.

The Treasury Department's Office of Intelligence and Analysis would be forced to cut staff who work to locate hidden funding sources of terrorist networks. Finally, the Financial Crimes Enforcement Network would significantly reduce overseas staff who work with foreign government counterparts in support of law enforcement efforts, investigations that protect Americans.

In terms of our consumers and our small business owners, cutting the budget of the CFTC and the SEC by 5 percent would erode their ability to conduct necessary oversight of the futures and securities markets, respectively, at a time when such scrutiny is paramount. Such a move is simply irresponsible, given the Wall Street scandals that led to the financial meltdown and economic strife plaguing so many American households.

My colleagues on the other side of the aisle objected to funding any anomalies that would have allowed these agencies to increase staffing during the pendency of the continuing resolution to implement the Dodd-Frank requirements. To insist on a further cut in light of these new requirements is not responsible. For the CFTC, a rollback would diminish aggressive efforts in the past 18 months to enhance previously decimated staffing levels which would not have been adequate to keep pace with the growing markets the agency oversees.

The SEC would suffer similar erosion of critical seasoned professionals. During the past 2 years, efforts have been made to restore staffing shortages. This amendment will force these staff to be furloughed, which would undermine the significant strides to become a more aggressive and vigilant protector of American investors.

Funding for the Small Business Administration would be cut at a critical point in the Nation's economic recovery, severely diminishing the agency's ability to implement the Small Business Jobs and Credit Act recently signed into law. Such a cut would hamper the ability of the Small Business Administration to provide counseling services to small businesses at a time when they need it most.

Cuts to Small Business Development Centers, microloan technical assistance, SCORE, and the Women's Business Centers would be a blow to SBA's ability to assist citizens trying to start, sustain, or grow their small businesses.

In terms of public safety, the FAA faces challenges in maintaining an adequate workforce of trained air traffic controllers. Funding the FAA at 5 percent below the fiscal year 2010 level would force it to absorb almost $500 million in cost-of-living and inflation expenses. Since 75 percent of the FAA's operation budget is payroll, the FAA would need to implement a hiring freeze, thereby reducing its air traffic controller and inspector workforces, increasing flight delays, and curbing air travel at many airports.

When it comes to NASA, this amendment would require $936 million less in funding. I have heard from many Members concerned about job losses at NASA facilities in their States. I can assure you, the level of funding that will result from this amendment will only expedite these losses.

Specifically, this random across-the-board cut will jeopardize scientific discovery as well as the development of a new heavy-lift launch vehicle and space capsule, costing thousands of high-tech, high-skill jobs in States such as Alabama, Florida, Texas, and Colorado. The United States would abandon the high ground of space to Russia, China, and Europe, sacrificing our leadership.

In terms of environmental funding, this amendment would require a $174 million cut to EPA's Clean Water and Drinking Water State Revolving Funds. That means 58 fewer sewer and water projects in our communities to ensure clean and safe water.

It would also require a $302 million cut to the basic operating accounts at the National Park Service, the Forest Service, the Fish & Wildlife Service, and the Bureau of Land Management. That means approximately 2,000 fewer Park Rangers, Forest Rangers, refuge managers, and BLM managers.

The 5-percent cut proposed in this amendment would require the National Park Service to furlough virtually all of the seasonal employees that would result in the closing of many National Park facilities. Further, it would cut energy efficiency and renewable energy programs by over $145 million, stopping in its tracks evolving R&D on solar energy and electric vehicles. That is what we have been talking about here: alternative energy sources. It would cut the nuclear energy R&D program by $51 million, hampering the nuclear renaissance, and simultaneously it would hamper the cleanup of our nuclear weapon and civilian nuclear sites by cutting $366 million from those programs. This action calls into question our ability to undertake new weapon and civilian nuclear activities if we cannot deal with the back end of the programs.

In terms of our senior citizens, the most vulnerable in our society, this amendment requires a cut of $40 million to senior nutrition services at the Administration on Aging, which translates into a reduction of 13 million senior meals.

It also requires a cut of $922 million from the fiscal year 2010 operating level for the Social Security Administration. This would force the Social Security Administration to furlough employees and severely increase the waiting times for everyone with a disability claim, retirement claim, or disability appeal.

In the last 3 years, the number of disability claims SSA has received has increased 30 percent, the number of disability hearings has increased 20 percent, and the number of retirement claims has increased 13 percent. By the end of the year, this cut would leave 900,000 more Americans waiting on a determination of their disability claim, almost doubling the current backlog, and 150,000 more waiting on an appeal of their disability case. This would also drastically limit program integrity efforts that save $7 for every $1 spent.

Section 8 tenant-based rental assistance, which helps the Nation's most vulnerable individuals and families find and maintain safe and affordable housing in the private market, would be cut by $816 million, which would put as many as 85,000 of our country's low-income families, elderly, and disabled at risk of losing their housing.

Mr. President, I would like to submit for the RECORD a more comprehensive list of programs that will be severely impacted by this amendment. There are too many important programs being impacted by this amendment and not enough time to discuss them all.

I ask unanimous consent that list be printed in the RECORD.

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

LIST OF PROGRAMS IMPACTED BY THE THUNE AMENDMENT AND LEVEL OF IMPACT

The Thune amendment would require:

A $148 million cut to the clinical health services provided by the Indian Health Service. For some of our most vulnerable citizens, that means at least 1,000 fewer inpatient admissions; approximately 200 fewer direct outpatient visits; and 200 fewer doctors and nurses that are required to staff the 4 new health care facilities scheduled to open next year.

A $169 million cut to the Forest Service and Interior Department wildland fire accounts. That could mean as many as 2,560 fewer firefighters next year.

A $22 million cut to the Interior Department's Outer Continental Shelf oil and gas leasing and inspection programs. That means a halt to many ongoing reform efforts, increasing the likelihood of environmental disasters like the BP Deepwater Horizon oil spill, and delaying the timeline for resumption of drilling in Gulf of Mexico deep water.

A $38 million cut to the Smithsonian Institution. That means rolling closures of museums on the Mall and stopping construction of the African American Museum of History and Culture.

The Thune amendment would cut $1.16 billion in discretionary spending for agricultural programs which will result in cuts to nutrition programs, food safety, rural housing, conservation, drug inspection, and farm service programs among others.

Specifically, cuts to the Food Safety program would reduce current levels for meat and poultry inspections, and cuts to FDA would reduce current levels for drug and food safety inspections (including imports) and drug approvals.

Both the Bush and Obama administrations have pushed the goal to double funding for science programs over 10 years—this amendment would put that initiative in reverse by cutting over $300 million from DOE's Office of Science program. This will severely impact the United States ability to compete internationally.

The nuclear non-proliferation program would lose $139 million. This would be lunacy in the face of bi-partisan acknowledgement of the threat posed to the United States by unsecured nuclear material in the world.

The Naval Reactors program, which must design a new reactor core for the new Ohio class submarine and refuel its test reactor, would be cut by $61 million.

Finally, the Corps would be cut by $270 million and the Bureau of Reclamation by $56 million. As we struggle to maintain and build our infrastructure in this country these cuts would have significant implications to on-going projects.

Internationally, the Thune amendment will require a cut of $388 million for global health programs to combat HIV/AIDS, malaria, Swine Flu, and many other deadly diseases that claim millions of lives annually.

The amendment will require an additional cut of $87 million beyond the $165 million supplemental funding not counted as part of the CR for aid for refugees. This translates into millions of lives lost.

The amendment will require a cut of $42 million for international disaster relief. This cut along with the reduction of $460 million that was included in the FY 10 Supplemental that is not counted in the CR would severely limit our ability to aid victims of earthquakes, floods, hurricanes, tsunamis, and other natural disasters.

$16.5 million reduction to U.S. Capitol Police would result in the loss of approximately 90 officers. Capitol Police are already dealing with a $10 million shortfall going into FY11. This would further decrease their mission of protecting the Capitol Complex.

The GAO would be reduced by $28 million, which would be devastating to GAO's operations, staff, and ability to provide timely service to the Congress. To absorb a reduction of this magnitude in a labor intensive budget would require a reduction of almost 200 employees.

A cut of $18 million to the Mine Safety and Health Administration. The tragic loss of 29 lives at the Upper Big Branch mine and other mine accidents this year were tragic reminders of what can happen when workplaces are not safe. This funding level will prevent MSHA from adequately enforcing the law which protects mineworkers.

This amendment would reduce funding for lifesaving medications by $43 million, including the $25 million recently allocated to 11 States to get 2,100 people off the waiting lists in Florida, Hawaii, Idaho, Iowa, Kentucky, Louisiana, Montana, North Carolina, South Carolina, South Dakota and Utah. The drugs cost an average of $12,000 a year a person, meaning that this cut would eliminate access to care for over 3,500 people.

This amendment would reduce funding for health professions training by $35.5 million.

A reduction of five percent below the FY 2010 funding level would cut approximately $163 million that is necessary for States to administer unemployment benefits. Under

current economic conditions, an estimated 14 million unemployed individuals will be served in FY 2011, an increase of approximately 60 percent, or 5.2 million individuals, since 2008. The proposed cut in funding would result in long wait times for claimants, increased erroneous payments, and continued neglect of aging infrastructure.

A reduction of 5 percent below the FY 2010 funding level for NIH would result in a cut of $1.6 billion. This reduction is roughly equivalent to the total cost of all FY 2010 NIH funded research on asthma, Parkinson's disease, lung cancer, ovarian cancer, childhood leukemia, infant mortality, lymphoma, multiple sclerosis and sickle cell disease combined.

A cut of $30 million for purchasing the medications and supplies needed in case of a bioterrorism attack or a pandemic illness.

This cut would prevent the implementation of all planned new law enforcement initiatives at DOJ, including $366 million in new national security spending intended to improve the FBI's cyber security, WMD and counterterrorism capabilities and to assist in the litigation of intelligence and terrorism cases; $153 million in new funding intended to strengthen DEA and ATF investigative activity focused on the activities of Mexican drug cartels; $97 million intended to increase the number of FBI agents and US Attorneys working corporate, mortgage and government fraud cases.

For the U.S. Marshals Service, $1.3 million would be cut from its construction resources bringing to a complete halt the Marshals' courthouse security improvement program, which funds the installation of security equipment in Federal courthouses and the construction of secure space for holding and processing Federal prisoners in courthouse facilities. Currently, less than a third of Federal courthouses meet established security standards; this percentage will further decrease if the Marshals do not continue to make necessary upgrades and improvements.

Without these funds, the Bureau of Prisons (BOP) would have to reduce staff by over 2,000, leaving prison staffing at less than 89 percent of the level identified by BOP as necessary to ensure prison security.

Grants to state and local law enforcement and community safety groups would be decimated by nearly $200 million. We would be taking resources from law enforcement to fight violent crime, drug trafficking, terrorism and child predators. This cut would slash funding for the State Criminal Alien Assistance Program (SCAAP). We need to make sure police have every tool available to fight violent crime and drug trafficking, and keep our families and communities safe.

Further, NIST is responsible for creating standards that keep consumers safe and test new technology to advance America innovation. Cutting NIST's research funding by 5 percent would end the multi-year effort to double funding for investments in scientific research through the agency. Hardest hit would be American manufacturers who would lose over $10 million in competitive grants that are designed to send new technology out to the workplace, improving efficiency and making American business more globally competitive.

This amendment would also put communities at risk for pipeline explosions. The Pipeline and Hazardous Materials Administration (PHMSA) ensures the safety of the interstate pipeline system and monitors State oversight of intrastate pipelines. In the wake of the San Bruno, California, pipeline explosion that killed 8 people and destroyed more than 50 homes, it is not the time to be cutting funding for pipeline safety. Rather, Congress needs to ensure PHMSA is adequately staffed to ensure companies are maintaining their pipelines to prevent senseless tragedies such as San Bruno from reoccurring. This reduction would do the opposite, curtailing safety oversight of the nation's 2.5 million miles of pipeline.

An across the board cut would impact NOAA and the National Weather Service which is standing watch over our communities to keep us safe. NOAA has made improvements to better warn American's about dangerous tornadoes, hurricanes, and other storms, but a spending cut would send NOAA's forecasting capabilities backwards and eliminate 40 forecasting jobs. Further, a 5 percent cut would harm NOAA weather satellite program resulting in gaps in weather data, forcing the United States to rely on foreign countries to supply weather data, or worse, leaving Americas completely blind to severe weather events.

Mr. INOUYE. In closing, I would like to note that the CR that is being considered by the Senate this afternoon is at a rate that is $18 billion below the Sessions amendment. The amendment being proposed by the Senator from South Dakota proposes a rate that is an additional $23 billion below the Sessions amendment.

To ask our agencies to continue to operate for the next 2 months at a rate that is $41 billion below the Sessions amendment will be devastating and is simply unacceptable. Under this scenario, every single program gets cut.

I believe what I have provided my colleagues is a thorough analysis of exactly what you are cutting. Make no mistake, a vote for this amendment is a vote for cutting these programs. It is that simple. I, for one, do not believe this is the way Congress should be doing business, and I will oppose this amendment. I encourage my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding the time on our side is controlled by the chairman of the Appropriations Committee.

The PRESIDING OFFICER. That is right.

Mr. DURBIN. Can I ask, Mr. President, how much time is remaining?

The PRESIDING OFFICER. For the majority, there is 40 minutes remaining for general debate.

Mr. DURBIN. If I could have the chairman's consent to speak for 5 minutes?

Mr. INOUYE. Absolutely.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the chairman for that time.

One of the first amendments we will consider is a 5-percent across-the-board cut. There is some surface appeal to this because it is almost like taking money and not leaving any fingerprints because you do not have to pick the different agencies that are going to be reduced in spending. You just say generically cut 5 percent and call us back when it is all over. It sounds like an easy assignment, but it overlooks the obvious.

Senator INOUYE, as chairman of the Appropriations Committee, is already preparing for next year's spending by reducing the spending level suggested by the President of the United States—if I am not mistaken, some $16 billion below President Obama's budget request.

So the Senator, as chairman of this important committee, is acting in good faith to bring down spending. It is my understanding this continuing resolution, at least for the next few months, cuts even more deeply in terms of the money that will be allowed.

So if there is some argument being made on the Senate floor that we are not sensitive to the deficit needs of America and we have not already accepted responsibility to cut spending, they are ignoring Senator INOUYE's leadership on the Senate Appropriations Committee and the fact that this bipartisan compromise cuts even more deeply.

Now comes the Senator from South Dakota who says: Well, let's cut some more. Let's cut 5 percent across the board. Then you take a look at the various programs, and you say to the Senator from South Dakota: Well, let's get down to specifics. Do you think we should cut 5 percent of the spending at the National Institutes of Health where they are engaged in medical research to find cures for the diseases which are afflicting and threatening people across America? Well, I bet he would say: No, we don't want to cut there. Yet when you do an across-the-board cut and you are not specific, unfortunately, you run the risk of cutting a critical program like that.

Would you go to northern California and say to the people living there: Now is the time to cut the inspections of natural gas pipelines in the United States of America, after the terrible tragedy which occurred there just a few weeks ago, claiming innocent lives? No. Would you argue that now is the time to take away inspections for oil rigs across America? I think we are trying to move to the point where we resume drilling but with some confidence that we have inspected all these rigs and they are safe and we can move forward. Senator THUNE is saying, Well, let's cut across the board. That is going to take money away from that timely inspection which we want to get completed so we can put people back to work in that region of the country and around the United States.

How about the Centers for Disease Control? Do we take money out of the Centers for Disease Control at this moment in history? I think not. They are doing important work to try to protect us against the next influenza epidemic and whatever else might challenge us. Do we want to take money away from food safety and inspection? How many of us read newspaper stories on a daily basis about innocent people who ate spinach or peppers or peanut butter and ended up with salmonella or E. coli, in the hospital, and their health compromised for months, if not years?

So do we want to reduce the inspections on food? How about the inspections on imported food? Does the Senator from South Dakota believe we should cut back on inspecting the food coming into our markets, being served on the tables of families across America? I think not.

Does he want to cut back on the COPS Program at a time when States and local cities are running out of money and laying off policemen? Do we want to cut back on the Federal funds we are sending so that there are cops on the beat to keep our neighborhoods safe?

Does he want to cut back on education? Does he believe that now is the time, when we are seeing layoffs of teachers, even though we have made some efforts here to try to reduce that? Does he want to cut more money from education when school districts across America are suffering? That is what he is proposing.

If he were standing here with the only proposals or cuts that the Congress is considering, we might say, Well, we have to face up to it, but he comes late to the party. The chairman of this committee has already taken this through the exercise of bringing down the spending for next year that starts on October 1, and this continuing resolution cuts even more deeply.

I am going to urge my colleagues to vote against this 5-percent across-the-board cut. The Senator from South Dakota has exempted a few agencies, but there are a lot that he hasn't. As a consequence, we are in a position where many of these agencies and the critical programs that are important for the health and safety of Americans are literally at risk because of this amendment.

Let's do this in a sensible, honest way. Let's not send a general letter. Let's use the appropriations process to bring down spending. The Congress cannot and should not abdicate its responsibility to review individual programs and make individual spending recommendations based on that review. The desire to hold spending in check should be based on congressional oversight of specific programs. We shouldn't take a meat ax, across-the-board, call-me-when-you-are-done approach. We should not yield our power to the President. We have our own special responsibility here on Capitol Hill.

Senator COBURN has been a strong proponent of oversight of spending. I support that oversight. He has come to this floor and advocated for the committees to look closely at spending and authorizations for scores of Federal programs. I think they should; I agree with him. This is exactly what the Appropriations Committee did last year in crafting bipartisan bills that garnered vast majorities of congressional support. The continuing resolution before us continues those levels for a short time at last year's spending levels while we work at crafting a responsible spending bill for the remainder of this fiscal year. I am committed as a member of that committee, working with Chairman INOUYE, to meeting that challenge to reduce our deficit, but I am just as committed to doing it in an appropriate, responsible, and effective way. This amendment that is being offered for a 5-percent, across-the-board cut is not such an amendment.

I urge my colleagues to oppose that amendment. I urge them to support the passage of this continuing resolution so that the important business of our Federal Government and keeping American families safe and healthy can continue and not be interrupted.

Mr. LEAHY. Mr. President, the chairman of the Appropriations Committee has described in detail the severe consequences for domestic programs and personnel of the amendment offered by Senator THUNE. I want to mention three examples of what the Thune amendment would do to critical international programs that mean the difference between life and death for the world's poorest people.

It would cut $388 million for global health programs to combat HIV/AIDS, malaria, Swine Flu, and many other deadly diseases that claim millions of lives annually.

It would cut $87 million for aid for refugees, the world's most vulnerable people.

Funding for refugees will already be well below the amount provided in fiscal year 2010 because an additional $165 million was included in the fiscal year 2010 Supplemental that is not counted in the CR, so the actual cut for refugee aid including this amendment would be $252 million below the fiscal year 2010 total level. This translates into millions of lives lost.

It would cut $42 million for international disaster relief. Funding for this account will already be reduced by $460 million that was included in the fiscal year 2010 supplemental that is not counted in the CR.

The total amount under this amendment for disaster relief would therefore be $502 million below the fiscal year 2010 total level. This would severely limit our ability to aid victims of earthquakes, floods, hurricanes, tsunamis, and other natural disasters.

These are not theoretical examples. They are real. This amendment is not just about dollars and cents. It is about human lives. It is a moral issue. A 5-percent cut may not sound like a lot. The sponsor of the amendment says it is only 5 percent. What he does not say is that the consequences of this amendment would be devastating for millions of people around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask that the time be divided equally between both sides.

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

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

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

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of H.R. 3081, as amended, the Senate then proceed to the consideration of H. Con. Res. 321 and the Senate then proceed to vote on adoption of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. All time has been yielded back, Senator INOUYE and Senator COCHRAN so advise me.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the Thune amendment.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—48

Alexander	Crapo	Lincoln
Barrasso	DeMint	Lugar
Bayh	Ensign	McCain
Bennet	Enzi	McCaskill
Bennett	Feingold	McConnell
Bond	Graham	Risch
Brown (MA)	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Thune
Coburn	Isakson	Udall (CO)
Cochran	Johanns	Vitter
Collins	Klobuchar	Voinovich
Corker	Kyl	Webb
Cornyn	LeMieux	Wicker

NAYS—51

Akaka	Gillibrand	Murray
Baucus	Goodwin	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bingaman	Harkin	Pryor
Boxer	Inouye	Reed
Brown (OH)	Johnson	Reid
Burris	Kaufman	Rockefeller
Cantwell	Kerry	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Shaheen
Casey	Lautenberg	Specter
Conrad	Leahy	Stabenow
Dodd	Levin	Tester
Dorgan	Lieberman	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NOT VOTING—1

Murkowski

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

AMENDMENT NO. 4677

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the DeMint amendment.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, my amendment only makes one change to the underlying continuing resolution. It changes the date from January 3 to February 4. There is no reason we should fund the government only to the lameduck. We need to wait until we have a new Congress and the dust settles after the election. We don't need to be passing another continuing resolution or an omnibus spending bill with the pressure of a government shutdown before Christmas. So the amendment is just a couple of lines that change the date. Everything else in the continuing resolution is the same. Let's push the operation of the government all the way through January to a new Congress.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, the Appropriations Committee worked in a bipartisan fashion on this bill. It was crafted with a very narrow focus and the expectation that it will last only 2 months. As we all know, the short-term CR is not efficient, but it is manageable. For the many reasons I enumerated earlier, we know that if we accept this amendment, the government will not be able to function as it should. I urge that we vote no.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4677.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—39

Alexander	DeMint	Lugar
Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Bennet	Graham	McConnell
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Corker	Johanns	Udall (CO)
Cornyn	Kyl	Vitter
Crapo	LeMieux	Wicker

NAYS—60

Akaka	Cardin	Feinstein
Baucus	Carper	Franken
Begich	Casey	Gillibrand
Bennett	Cochran	Goodwin
Bingaman	Collins	Hagan
Bond	Conrad	Harkin
Boxer	Dodd	Inouye
Brown (OH)	Dorgan	Johnson
Burris	Durbin	Kaufman
Cantwell	Feingold	Kerry
Klobuchar	Mikulski	Shaheen
Kohl	Murray	Specter
Landrieu	Nelson (NE)	Stabenow
Lautenberg	Nelson (FL)	Tester
Leahy	Pryor	Udall (NM)
Levin	Reed	Voinovich
Lieberman	Reid	Warner
Lincoln	Rockefeller	Webb
Menendez	Sanders	Whitehouse
Merkley	Schumer	Wyden

NOT VOTING—1

Murkowski

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is withdrawn.

The substitute amendment (No. 4674) is agreed to.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—69

Akaka	Franken	Menendez
Alexander	Gillibrand	Merkley
Baucus	Goodwin	Mikulski
Bayh	Grassley	Murray
Begich	Gregg	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bennett	Harkin	Pryor
Bingaman	Inouye	Reed
Bond	Johanns	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Specter
Carper	Kyl	Stabenow
Casey	Landrieu	Tester
Cochran	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Levin	Voinovich
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	Lugar	Whitehouse
Feinstein	McCaskill	Wyden

NAYS—30

Barrasso	DeMint	McCain
Brown (MA)	Ensign	McConnell
Brownback	Enzi	Risch
Bunning	Feingold	Roberts
Burr	Graham	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter
Crapo	LeMieux	Wicker

NOT VOTING—1

Murkowski

The bill (H.R. 3081), as amended, was passed.

The amendment (No. 4682) was agreed to, as follows:

Amend the title so as to read: ''Making continuing appropriations for fiscal year 2011, and for other purposes''.

PROVIDING FOR A RECESS AND/OR ADJOURNMENT OF THE HOUSE AND SENATE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 321, which the clerk will report by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 321) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from Connecticut (Mr. DODD), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI), the Senator from Arizona (Mr. KYL), and the Senator from Missouri (Mr. BOND).

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

The result was announced—yeas 54, nays 39, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—54

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

NAYS—39

Alexander	Cornyn	Lincoln
Barrasso	Crapo	Lugar
Bennet	DeMint	McCain
Bennett	Ensign	McConnell
Brown (MA)	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	LeMieux	Wicker

NOT VOTING—7

Bond	Kyl	Sanders
Carper	Murkowski	
Dodd	Rockefeller	

The concurrent resolution (H. Con. Res. 321) was agreed to, as follows:

H. CON. RES. 321

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Wednesday, September 29, 2010, through Friday, October 8, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 15, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Wednesday, September 29, 2010, through Friday, November 12, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 15, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. The Senator from Iowa.

GAO REPORT ON AIRPORT SECURITY

Mr. GRASSLEY. Mr. President, on January 8 of this year, I requested the Government Accountability Office to conduct followup tests of our Nation's airport security screening procedures. Investigators attempted to smuggle bomb-making materials past security checkpoints in a number of airports around the country. This is something the GAO has done for Congress on several occasions since the 9/11 terrorist attacks.

It is an important reality check for Congress to find out exactly how effective or ineffective the Transportation Security Administration's screening procedures are. TSA has spent a lot of time and money trying to prevent future terrorist attacks, and we are, no doubt, safer in many ways than we were before 9/11. However, it is important to cut through the talking points and the press releases. We need to test the system in real time with real people carrying potentially destructive materials once in a while to find out how vulnerable we still are.

Unfortunately, the Obama administration, which is now responsible for keeping airline passengers safe, does not want you to know the results of these tests. In fact, the administration classified almost every word of the GAO report as ''secret.'' These sorts of classification decisions ought to be made only when the information is actually sensitive for national security reasons. The power to classify information should not be used merely to hide information that might be embarrassing to the administration.

I understand that certain details of how GAO investigators did what they did should not be made public. No one wants to give the terrorists a roadmap of how to attack us again. I do not want to do that, and the GAO investigators do not want that to happen.

That is why I asked them to draft a report that did not include those sorts of details so that a declassified version could be released to the public. The problem, however, is that the Obama administration classified the report anyway.

The key data that should be public are the results. Did the GAO investigators succeed in penetrating our airport security checkpoints? If so, how many times? How many times did they fail? The public has a right to know those bottom-line results.

Those results are not going to help terrorists figure out how to better attack us, and they certainly are not going to give them any more motivation to try than they already have.

Keeping the results secret will accomplish one thing, however. It will ensure that the public has no idea how effective our airport screening strategy actually is, and it seems that is the way the Obama administration likes it.

Therefore, I am asking the TSA Administrator to personally come to our secure facilities here in the Senate and explain his decision. Several of my colleagues joined me in asking the GAO to do this work, including the chairs and the ranking members of the Homeland Security Committee in both the House and the Senate. I invite them to join us and help resolve this situation.

We need to work together to make sure that the entire Congress and the public are aware of the results of this important work while maintaining the security of information that truly needs to remain secure.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS CONSENT REQUEST—H.R. 5481

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 442, H.R. 5481, a bill to give subpoena power to the National Commission on the BP Deepwater Horizon Oilspill and Offshore Drilling; that the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, reserving the right to object, I will not object if the Senator would kindly amend her request to include a substitute amendment with a Barrasso proposal to establish a National Commission on Outer Continental Shelf Oilspill prevention.

The PRESIDING OFFICER. Does the Senator so amend her request?

Mrs. SHAHEEN. Mr. President, I think we should have as many eyes looking into this issue as possible, and as a member of the Energy Committee I supported the Barrasso amendment. But the issue before us today right now is that we already have a bipartisan commission appointed by the President. The commission is up and running.

The President's commission will issue its report in January, and the President's commission needs subpoena power to do its job right now. This was the largest environmental disaster in our country's history. It is important we get to the bottom of it.

I am disappointed that, once again, we are hearing our colleagues on the other side of the aisle who are objecting to giving the President's commission subpoena power.

Mr. COBURN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire.

Mrs. SHAHEEN. The BP oilspill was an unprecedented disaster—lives were lost, and the gulf region will suffer the environmental and economic consequences for years to come. We cannot turn back the clock and stop what happened. But we can prevent future disasters by finding out exactly what went wrong. We need to investigate this spill, and we need to make sure it never happens again.

That is why the President appointed a commission to investigate. But without subpoena power the commission cannot do the job they were appointed to do.

Already, we have seen reports that some witnesses are stonewalling the commission. Former Senator Graham and former President Nixon's EPA Administrator, William Reilly, who are cochairing the President's commission, told the press yesterday that investigators have ''encountered resistance to full responses to their questions.'' That is unacceptable. We cannot let BP and Transocean cover up the truth. The American people deserve answers.

This is the fourth time I have asked for unanimous consent on the Senate floor to pass a bill giving the BP Oilspill Commission subpoena power. Unfortunately, as we saw, this is the fourth time the Republicans in the Senate have objected.

This should be noncontroversial. In the House of Representatives, 169 Republicans voted in favor of this bill in June. It is outrageous that this simple bill is being obstructed here in the Senate. A thorough investigation is needed, and it is needed now.

Commission cochairman William Reilly, who used to sit on the board of ConocoPhillips, even said yesterday that it is ''unjustifiable'' for Congress

to not provide the commission with all of the tools they need to resolve this disaster. I could not agree more. I am totally disappointed in what we have heard from the other side.

I yield the floor.

Mr. DORGAN. Mr. President, will the Senator yield for a brief question? I know my colleague is waiting to speak.

Mrs. SHAHEEN. Yes.

Mr. DORGAN. I want to make the point—and then ask a question—this is probably a fitting description near the end of at least this portion of this session of the almost total lack of cooperation that exists in this Chamber. The House of Representatives passed this almost unanimously. On commissions that are important—the Three Mile Island Commission, the Commission on 9/11, the Financial Crisis Commission—they were all given subpoena power. Why? Because you need that if you are going to force and compel people to produce the records.

I was on the Energy Committee, and we heard the three parties that were out there drilling in that well site: BP, Transocean, and Halliburton. They were all involved. All of them were pointing at each other. The only way this commission can function is with subpoena power. What on Earth can they be thinking of to block subpoena power for this commission four successive times?

I would ask the Senator—first of all, I thank the Senator for doing this. Second, it is unthinkable to me that we see continued blockage. It represents a complete lack of cooperation. They did not do that in the House of Representatives. The minority was very interested in seeing that this works. Here the minority seems very interested in seeing that the commission cannot work.

I would ask, is this not the fourth occasion on the floor of the Senate that the Senator has made this request, and on four successive occasions the minority has objected, in some cases for other—they have a new excuse each time—but isn't this the case that four times the Senator has asked for this consent and four times it has been denied?

Mrs. SHAHEEN. Absolutely. I appreciate the Senator from North Dakota pointing this out, and also pointing out what has been a bipartisan history in the past when we have dealt with these kinds of disasters and tragedies in the country, that this used to be a bipartisan effort, and how sad and disappointing that now it has come down to partisanship rather than working together.

The PRESIDING OFFICER. The Senator from Washington.

UNANIMOUS CONSENT REQUEST—H.R. 3617

Mrs. MURRAY. Mr. President, I have been working very hard over the last several months to extend the critical sales tax deduction for families and small businesses in my home State of Washington and in a number of other States in this country. I know how important this is to middle-class families in my State, and I have heard from so many of them about how important it is that this deduction be extended.

But every time we brought forward a bill that would help these families, Republicans have banded together to block it. They would stand here on the floor and say they objected to the way we paid for this deduction or they did not like some of the other tax cut extensions we included in the bill. They gave different reasons each time, but they refused to come to the table with real solutions for this serious issue facing middle-class families.

I have been urging Senate Republicans to change their minds, and finally, on Monday night, Senate Republicans came forward with a proposal. Their bill came at the 11th hour, and it stripped away all of the other tax credits that would have helped families, clean energy companies, and small businesses.

Senator BAUCUS was here and he objected to it because he wanted to focus on a tax cut extension bill we had been working on for many months that already had the support of a majority of the Senate. But extending the sales tax deduction is too important for families in my home State of Washington to let the perfect be the enemy of the good.

So over the last several days, I have talked to a number of my colleagues about this. I made sure they understood that this issue is about more than the political back-and-forth in DC; it is about real people in my home State of Washington. It is about removing a bias in the Tax Code that is fundamentally unfair to our families. It is about putting more money into their pockets at a time when they can use all the help they can get.

So I am here to say that after many conversations with my colleagues on the Democratic side, they have agreed to set aside their objections and allow the sales tax deduction extension to pass this evening because, frankly, this issue shouldn't be controversial, and the livelihoods of middle-class families shouldn't be used as a political football in election year games.

So in just a minute I will ask unanimous consent to pass a bill that pulls the sales tax exemption out of the legislation we had it in before, which will allow it to stand alone tonight. It is what Republicans offered us on Monday night, with one small compromise. It is very close to the version the Republicans offered. I can't imagine they are going to object to it this evening, but rather than a permanent extension that I and many others would prefer, what I will offer is to extend the sales tax exemption alone for 1 year, which will offer greater stability and confidence for middle-class families in these tough times. I believe this is a reasonable compromise, and I believe it can and ought to pass tonight.

I was proud to work with my colleagues to put politics aside and advance this proposal that will help people and solve problems. It is very narrowly drafted for just the State sales tax deduction. I know it is important to my State and to many, and I hope the Republicans will allow this to go forward tonight.

So I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3617, that all after the enacting clause be stricken, and the text of S. 35, as amended, with the amendment at the desk, be inserted, and that the amendment be agreed to.

I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Mr. President, reserving the right to object, and I will not object if the Senator from Washington would substitute the language which is at the desk which extends all the things she has talked about this evening, as well as provides a 2-year extension for the physician fee issue which is expiring on November 30, but does it with spending reductions as opposed to tax increases. That amendment is at the desk, and if the Senator from Washington would substitute that language for her amendment, I will not object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I object to the modification offered by the Senator from South Dakota.

The PRESIDING OFFICER. Is there objection to the original request by the Senator from Washington?

Mr. THUNE. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, while the Senator from South Dakota is here, I wish to make sure he understood what I offered tonight. It is what the Republicans offered to us on Monday night, which is the simple extension of just the sales tax deduction, which I know affects his State as well as mine, for 1 year. So I want him to understand that is all I have asked to do tonight, to just extend the sales tax deduction which I know is important to his State and to mine, and I would again ask the Senator from South Dakota if he would allow us to move forward with just that deduction this evening.

Mr. President, I would again ask the Senator from South Dakota if we could just extend not the rest of the package but just the sales tax deduction, as your side offered to us on Monday night.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. I would say to the Senator from Washington through the Chair that I would be happy to take a look at this and run it by my colleagues. Obviously, this is not something I think everybody—there isn't

anybody here right now—has had an opportunity to look at. We have tried repeatedly to get some cooperation on an extenders package that includes a number of important tax provisions that have expired already, as well as some that are set to expire, and to do that through offsets that reduce spending as opposed to raising taxes, particularly at a time when the economy is in recession.

So as much as I would agree with the Senator from Washington that this is an important issue that needs to be addressed—and it is important to my State—I would have to object until we have an opportunity to look at the amendment that the Senator from Washington put forward.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I just have to say I am really confused by this because what we have offered is simply what the Republicans agreed to—offered Monday night, and I have come back to offer it again. It is perplexing to me on an issue that is so important to my State, and to several other States, that we can't now, a few days later, do this. So I am not sure we are not just having games about this. It is extremely important to people in my State, and I am deeply disconcerted that the Republicans have not agreed to allow us to just pass the State sales tax deduction for 1 year.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

COAST GUARD AUTHORIZATION ACT FOR FISCAL YEARS 2010 AND 2011

Ms. CANTWELL. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 3619, the Coast Guard Authorization Act.

The PRESIDING OFFICER laid before the Senate a message from the House as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3619) entitled ''An Act to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes, with amendments.''

Ms. CANTWELL. I move to concur in the House amendments with amendments, and I ask unanimous consent that at the appropriate time, a budgetary pay-go statement be read; further, that the motion to concur in the House amendments with amendments be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statement related to the bill be printed in the RECORD.

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

The amendment (No. 4684) was agreed to, as follows:

(Purpose: To make certain conforming amendments)

In section 617(b), in the quoted subsection (d), strike ''INDIVIDUALS QUALIFIED AS ABLE SEAMEN.—Offshore'' and insert ''Individuals qualified as able seamen—offshore''.

Strike section 917 and insert the following:

''SEC. 917. MARITIME LAW ENFORCEMENT.

''(a) PENALTIES.—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

'''(b)(1) Except as otherwise provided in this subsection, whoever knowingly violates subsection (a) shall be fined under this title or imprisoned for not more than 5 years, or both.

'''(2)(A) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and has an aggravating factor set forth in subparagraph (B) of this paragraph, the offender shall be fined under this title or imprisoned for any term of years or life, or both.

'''(B) The aggravating factor referred to in subparagraph (A) is that the offense—

'''(i) results in death; or

'''(ii) involves—

'''(I) an attempt to kill;

'''(II) kidnapping or an attempt to kidnap; or

'''(III) an offense under section 2241.

'''(3) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and results in serious bodily injury (as defined in section 1365), the offender shall be fined under this title or imprisoned for not more than 15 years, or both.

'''(4) If the offense is one under paragraph (1) or (2)(A) of subsection (a), involves knowing transportation under inhumane conditions, and is committed in the course of a violation of section 274 of the Immigration and Nationality Act, or chapter 77 or section 113 (other than under subsection (a)(4) or (a)(5) of such section) or 117 of this title, the offender shall be fined under this title or imprisoned for not more than 15 years, or both.'.

''(b) DEFINITION.—Section 2237(e) of title 18, United States Code, is amended—

''(1) by amending paragraph (3) to read as follows:

'''(3) the term ''vessel subject to the jurisdiction of the United States'' has the meaning given the term in section 70502 of title 46;';

''(2) in paragraph (4), by striking 'section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).' and inserting 'section 70502 of title 46; and'; and

''(3) by adding at the end the following new paragraph:

'''(5) the term ''transportation under inhumane conditions'' means—

'''(A) transportation—

'''(i) of one or more persons in an engine compartment, storage compartment, or other confined space;

'''(ii) at an excessive speed; or

'''(iii) of a number of persons in excess of the rated capacity of the vessel; or

'''(B) intentional grounding of a vessel in which persons are being transported.'.''.

Strike section 1032(b) and insert the following:

''(b) VIOLATIONS; SUBPOENAS.—

''(1) IN GENERAL.—In any investigation under this section, the Secretary may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

''(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

''(B) the Attorney General—

''(i) determines that the subpoena will not interfere with a criminal investigation; or

''(ii) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A).

''(2) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this subsection, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.''.

Strike section 1033(a)(2) and insert the following:

''(2) SUBPOENAS.—

''(A) IN GENERAL.—In any investigation under this section, the Administrator may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

''(i) before the issuance of the subpoena, the Administrator requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

''(ii) the Attorney General—

''(I) determines that the subpoena will not interfere with a criminal investigation; or

''(II) fails to make a determination under subclause (I) before the date that is 30 days after the date on which the Administrator makes a request under clause (i).

''(B) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this paragraph, the Administrator may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.''.

The PRESIDING OFFICER. The clerk will read the pay-go statement.

The assistant legislative clerk read as follows:

Mr. CONRAD. After consultation with the chairman of the House Budget Committee, and on behalf of both of us, I hereby submit this Statement of Budgetary Effects of PAYGO Legislation for H.R. 3619, as amended.

Total Budgetary Effects of H.R. 3619 for the 5-year Statutory PAYGO Scorecard: $0.

Total Budgetary Effects of H.R. 3619 for the 10-year Statutory PAYGO Scorecard: $0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 3619, THE COAST GUARD AUTHORIZATION ACT OF 2010, AS AMENDED, AND AS FURTHER AMENDED BY A DRAFT SENATE AMENDMENT (''JEN10924'') AS PROVIDED TO CBO BY THE SENATE BUDGET COMMITTEE ON SEPTEMBER 29, 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	0	0	0	0	0	0	0	0	0	0/

[a] Title VI of H.R. 3619 would authorize the U.S. Coast Guard (USCG) to extend certain expiring marine licenses, certificates of registry, and merchant mariners' documents. Because the extension could delay the collection of fees charged for renewal of such documents, enacting this provision could reduce offsetting receipts over the next year or two. Some of those receipts may be spent without further appropriation, however, to cover collection costs. CBO estimates that the net effect on direct spending from enacting this provision would be insignificant.

Title X of the legislation would establish new criminal and civil penalties. CBO estimates that any new revenues resulting from those penalties or related direct spending (of criminal penalties from the Crime Victims Fund) would be less than $500,000 a year.

Other provisions of H.R. 3619 would direct the USCG to donate certain real and personal property to local governments or other nonfederal entities. CBO expects that, under current law, nearly all of that property would either be retained by the USCG or eventually given to other federal or nonfederal entities; therefore, donating those assets under the legislation would result in no significant loss of offsetting receipts.

Ms. CANTWELL. Mr. President, I see the leader is on the Senate floor, and I will defer to him before making a statement about the legislation.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate very much my friend allowing me to get some of this housekeeping stuff out of the way.

EXECUTIVE SESSION

HAGUE CONVENTION ON INTERNATIONAL RECOVERY OF CHILD SUPPORT AND FAMILY MAINTENANCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 2, Treaty Document No. 110–21; that the treaty be considered as having advanced through the various parliamentary stages, up to including the presentation of the resolution of ratification; that any committee reservations and declarations be agreed to as applicable; that the DeMint amendment, which is at the desk, be agreed to; that any statements be printed in the RECORD; further, that when the vote on the resolution of ratification is taken, the motion to reconsider be considered made and laid on the table, and the President of the United States be immediately notified of the Senate's action.

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

The amendment (No. 4683) was agreed to, as follows:

(Purpose: To provide an understanding that the preamble to the Treaty does not create any obligations of the United States under the Convention on the Rights of the Child as a matter of United States or international law)

In the section heading for section 1, strike ''**TWO RESERVATIONS AND THREE DECLARATIONS**'' and insert ''**TWO RESERVATIONS, ONE UNDERSTANDING, AND THREE DECLARATIONS**''.

In section 1, strike ''the reservations of section 2, the declaration of section 3, and the declarations of section 4'' and insert ''the reservations of section 2, the understanding of section 3, the declaration of section 4, and the declarations of section 5''.

Strike ''**SEC. 3. DECLARATION**'' and insert the following:

SEC. 3. UNDERSTANDING.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of United States or international law.

SEC. 4. DECLARATION.

Strike ''**SEC. 4. DECLARATIONS**'' and insert ''**SEC. 5. DECLARATIONS**''.

Mr. DEMINT. Mr. President, Americans seem to be losing more and more control over their lives due to government intrusion. The government has decided what kinds of cars we can drive, what kinds of light bulbs we can purchase and what kind of health insurance we must carry. But now the government is going even further by reaching into the family unit.

I rise today to speak about an issue of great importance to families across America—the rights that parents have over their families and the ever encroaching role of the international community in American life—specifically through a treaty, the United Nations Convention on the Rights of the Child.

While the Convention on the Rights of the Child has many noble goals, I have significant concerns about the effects a treaty like this would have on parental rights in America. This week we looked at the Rights of the Child treaty again when it was referenced in the preamble of a different treaty—one on the international role in child support concerns, the Hague Treaty on International Recovery of Child Support and Other Forms of Family Maintenance.

So today, I am offering an amendment to the resolution of ratification for the Child Support Recovery Treaty that reinstates that the United States has not ratified the United Nations Convention on the Rights of the Child. My amendment states that ''The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of United States or international law.''

Last year, I introduced a joint resolution proposing an amendment to the U.S. Constitution concerning the rights of parents and their families, which would protect the liberty of parents to direct the upbringing and education of their children in the face of government intrusion.

Earlier this year, 30 Senators, including myself, introduced a resolution to oppose the ratification of the United Nations Convention on the Rights of the Child. My resolution focuses on the fact that the Convention on the Rights of the Child is incompatible with the Constitution of the United States and threatens U.S. principles of sovereignty and self-governance. It would place the U.S. under international legal standards in multiple areas of domestic policy that would have far-reaching effects on the way we educate and raise our children.

The Federal Government, or any source of international law, should not be mandating guidelines or setting standards for raising children. The Convention on the Rights of the Child would create international standards for parents that could be enforced through U.S. courts at the expense of the Constitution; courts could inappropriately use references to the Convention as legal precedent.

Parents are best equipped to decide how their children are raised and educated, not the government, and certainly not a board of bureaucrats headquartered in Geneva, Switzerland.

The fight for protecting parental rights goes on. The DeMint amendment to the Child Support Recovery Treaty is intended to ensure that despite the reference in the preamble, the Convention on the Rights of the Child has no place in the U.S. legal system.

As our Nation encounters new challenges, I believe the answers must include more freedom for Americans, not more government control—and certainly not more international control. Congress must work to protect and strengthen the freedom of American families who are the backbone of our strength as a nation.

I yield the floor.

Mr. REID. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolution of ratification, please rise. Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification, as amended, was agreed to, as follows:

TREATY

[Hague Convention on International Recovery of Child Support and Family Maintenance (Treaty Doc. 110–21)]

Sec. 1. Senate Advice and Consent subject to two reservations, one understanding, and three declarations.

The Senate advises and consents to the ratification of the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (the ''Convention''), adopted at The Hague on November 23, 2007 (Treaty Doc. 110–21), subject to the reservations of section 2, the understanding of section 3, the declaration of section 4, and the declarations of section 5.

Sec. 2. Reservations. The advice and consent of the Senate under section 1 is subject to the following reservations, which shall be included in the instrument of ratification:

(1) In accordance with Articles 20 and 62 of the Convention, the United States of America makes a reservation that it will not recognize or enforce maintenance obligation decisions rendered on the jurisdictional bases set forth in subparagraphs 1(c), 1(e), and 1(f) of Article 20 of the Convention.

(2) In accordance with Articles 44 and 62 of the Convention, the United States of America makes a reservation that it objects to the use of the French language in communications between the Central Authority of any other Contracting State and the Central Authority of the United States of America.

Sec . 3. Understanding. The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of the United States or international law.

Sec. 4. Declaration. The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

The United States of America declares, in accordance with Articles 61 and 63 of the Convention, that for the United States of America the Convention shall extend only to the following: all 50 U.S. states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

Sec. 5. Declarations. The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) Article 55 of the Convention sets forth a special procedure for the amendment of the forms annexed to the Convention. In the event that the United States of America does not want a particular amendment to the forms adopted in accordance with Article 55 to enter into force for the United States of America on the first day of the seventh calendar month after the date of its communication by the depositary to all parties, the Executive Branch may by notification in writing to the depositary make a reservation, in accordance with Article 62 of the Convention, with respect to that amendment and without the approval of the Senate.

(2) This Convention is not self-executing.

TREATY WITH UNITED KINGDOM CONCERNING DEFENSE TRADE COOPERATION

TREATY WITH AUSTRALIA CONCERNING DEFENSE TRADE COOPERATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate consider Calendar Nos. 5 and 6, Treaty Document Nos. 110–7 and 110–10; that the treaties be considered as having advanced through the various parliamentary stages, up to and including the presentation of the resolutions of ratification; that any committee reservations and declarations be agreed to as applicable; that any statements be printed in the RECORD; further, that when the votes on the resolutions of ratification are taken, the motions to reconsider be considered made and laid on the table en bloc, and the President of the United States be immediately notified of the Senate's action.

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

Mr. REID. Mr. President, I ask for a division vote on each resolution of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolution of ratification, please rise.

Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification was agreed to, as follows:

TREATY

[Treaty with United Kingdom Concerning Defense Trade Cooperation (Treaty Doc. 110–7)]

Section 1. Senate Advice and Consent Subject to Conditions, Understandings And Declarations.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (Treaty Doc. 110–7) (as defined in section 5 of this resolution), subject to the conditions in section 2, the understandings in section 3 and the declarations in section 4.

Section 2. Conditions.

The Senate's advice and consent to the ratification of the Treaty with the United Kingdom Concerning Defense Trade Cooperation is subject to the following conditions, which shall be binding upon the President:

(1) United States preparation for treaty implementation.

(A) At least 15 days before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a report—

(i) describing steps taken to insure that the Executive branch and United States industry are prepared to comply with Treaty requirements;

(ii) analyzing the implications of the Treaty, and especially of Article 3(3) of the Treaty, for the protection of intellectual property rights of United States persons;

(iii) explaining what steps the United States Government is taking and will take to combat improper or illegal intangible exports (i.e., exports as defined in part 120.17(a)(4) of title 22, Code of Federal Regulations) under the Treaty; and

(iv) setting forth the issues to be addressed in the Management Plan called for by Section 12(3)(f) of the Implementing Arrangement and the procedures that are expected to be adopted in that Plan.

(B) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a certification that changes to the International Traffic in Arms Regulations (parts 120–130 of title 22, Code of Federal Regulations) have been published in the Federal Register pursuant to the Arms Export Control Act, as appropriate, that would, upon entry into force of the Treaty—

(i) make clear the legal obligation for any person involved in an Export, Re-export, Transfer, or Re-transfer under the Treaty to comply with all requirements in the revised International Traffic in Arms Regulations, including by taking all reasonable steps to ensure the accuracy of information received from a member of the Approved Community that is party to an Export, Re-export, Transfer, or Re-transfer under the Treaty;

(ii) make clear the legal obligation for Approved Community members to comply with United States Government instructions and requirements regarding United States Defense Articles added to the list of exempt Defense Articles pursuant to Article 3(2) of the Treaty;

(iii) limit a person from being a member of the United States Community, pursuant to Article 5(2) of the Treaty, if that person is generally ineligible to export pursuant to section 120.1(c) of title 22, Code of Federal Regulations; and

(iv) require any nongovernmental entity that ceases to be included in the United States Community to comply with instructions from authorized United States Government officials and to open its records of transactions under the Treaty to inspection by United States Government and, as appropriate, authorized United Kingdom Government officials pursuant to Article 12 of the Treaty.

(C) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress—

(i) a certification that appropriate mechanisms have been established to identify, in connection with the process for determining whether a nongovernmental entity is in the United States Community pursuant to Article 5(2) of the Treaty, persons who meet the criteria in section 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1));

(ii) a certification that appropriate mechanisms have been established to verify that nongovernmental entities in the United States that Export pursuant to the Treaty are eligible to export Defense Articles under United States law and regulation as required by Article 5(2) of the Treaty;

(iii) a certification that United States Department of Homeland Security personnel at United States ports—

(a) have prompt access to a State Department database containing registered exporters, freight forwarders and consignees, and watch lists regarding United States companies; and

(b) are prepared to prevent attempts to export pursuant to the Treaty by United States persons who are not eligible to export Defense Articles under United States law or regulation, even if such person has registered with the United States Government;

(iv) a certification that the Secretary of Defense has promulgated appropriate changes to the National Industrial Security Program Operating Manual and to Regulation DoD 5200.1-R, ''Information Security Program,'' and has issued guidance to industry regarding marking and other Treaty compliance requirements; and

(v) a certification that a capability has been established to conduct post-shipment verification, end-use/end-user monitoring and related security audits for Exports under the Treaty, accompanied by a report setting forth the legal authority, staffing and budget provided for this capability and any further Executive branch or congressional action recommended to ensure its effective implementation.

(2) Treaty partner preparation for treaty implementation. Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall certify to Congress that the Government of the United Kingdom has promulgated all necessary regulatory changes, including:

(A) changes to export control regulations, setting forth a Treaty-specific Open General Export License (OGEL);

(B) changes to the United Kingdom Security Policy Framework and related security regulations for Government and United Kingdom Industry; and

(C) changes to the MOD Classified Material Release Procedure (F680), to take account of Treaty Re-exports and Re-transfers.

(3) Joint operations, programs and projects.

The Secretary of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives informed of the lists of combined military and counter-terrorism operations developed pursuant to Article 3(1)(a) of the Treaty; cooperative security and defense research, development, production, and support programs developed pursuant to Article 3(1)(b) of the Treaty; and specific security and defense projects developed pursuant to article 3(1)(c) of the Treaty.

(4) Exempted defense articles.

(A) The President may remove a Defense Article from the list of Defense Articles exempt from the Scope of the Treaty, if such removal is not barred by United States law, 30 days after the President informs the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of such proposed removal.

(B) When a Defense Article is added to the list of Defense Articles exempt from the Scope of the Treaty, the Secretary of State shall provide a copy of the Federal Register Notice delineating the policies and procedures that will govern the control of such Defense Article, consistent with Section 4(7) of the Implementing Arrangement, as well as an explanation of the reasons for adopting those policies and procedures, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within five days of the issuance of such Notice.

(5) Changes to the definition of the territory of the United Kingdom.

(A) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within 15 days of the initiation of consultations with the United Kingdom concerning the inclusion of any additional territory or territories in the definition of ''Territory of the United Kingdom'' for the purposes of Article 1(8) of the Treaty, and shall inform the Committees within 15 days of receipt through diplomatic channels of notice that a territory or group of territories has been added to the definition of ''Territory of the United Kingdom'' for the purposes of Article 1(8) of the Treaty.

(B) The Secretary of State shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives before approving any addition to the United Kingdom Community of a non-governmental entity or facility outside the territory of England, Scotland, Wales, or Northern Ireland.

(6) Approved community membership.

(A) If sanctions are in effect against a person in the United Kingdom Community pursuant to section 73(a)(2)(B) or section 81 of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(B) or 2798), the United States shall raise the matter pursuant to Article 4(2) of the Treaty and Section 7(9) of the Implementing Arrangement.

(B) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days before the U.S. Government agrees to the initial inclusion in the United Kingdom Community of a nongovernmental United Kingdom entity, if the Department of State is aware that the entity, or any one or more of its relevant senior officers or officials:

(i) Has been convicted of violating a statute cited in paragraph 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1)); or

(ii) is, or would be if that person were a United States person,

(a) ineligible to contract with any agency of the U.S. Government;

(b) ineligible to receive a license or other form of authorization to export from any agency of the U.S. Government; or

(c) ineligible to receive a license or any form of authorization to import defense articles or defense services from any agency of the U.S. Government.

(C) The Secretary of State shall inform and consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days after the United States Government agrees to the continued inclusion in the United Kingdom Community of a nongovernmental United Kingdom entity, if the Department is aware that the entity, or any one or more of its relevant senior officers or officials, raises one or more of the concerns referred to in paragraph (B).

(7) Transition policies and procedures.

(A) No fewer than 15 days before formally establishing the procedures called for in Section 5(5) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the transition to the application of the Treaty, pursuant to Article 3(3) of the Treaty, of Defense Articles acquired and delivered under the Foreign Military Sales program.

(B) No fewer than 15 days before formally establishing the procedures called for in Section 8(2) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the members of the United Kingdom Community wishing to transition to the processes established under the Treaty, pursuant to Article 14(2) of the Treaty, from the requirements of a United States Government export license or other authorization.

(8) Congressional oversight.

(A) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives promptly of any report, consistent with Section 11(4)(b)(vi) of the Implementing Arrangement, of a material violation of Treaty requirements or procedures by a member of the Approved Community.

(B) The Department of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regularly regarding issues raised in the Management Board called for in Section 12(3) of the Implementing Arrangement, and the resolution of such issues.

(9) Annual report.

Not later than March 31, 2011, and annually thereafter, the President shall submit to Congress a report, which shall cover all Treaty activities during the previous calendar year. This report shall include:

(A) a summary of the amount of Exports under the Treaty and of Defense Articles transitioned into the Treaty, with an analysis of how the Treaty is being used;

(B) a list of all political contributions, gifts, commissions and fees paid, or offered or agreed to be paid, by any person in connection with Exports of Defense Articles under the Treaty in order to solicit, promote, or otherwise to secure the conclusion of such sales;

(C) any action to remove from the United Kingdom Community a nongovernmental entity or facility previously engaged in activities under the Treaty, other than due to routine name or address changes or mergers and acquisitions;

(D) any concerns relating to infringement of intellectual property rights that were raised to the President or an Executive branch Department or Agency by Approved Community members, and developments regarding any concerns that were raised in previous years;

(E) a description of any relevant investigation and each prosecution pursued with respect to activities under the Treaty, the results of such investigations or prosecutions and of such investigations and prosecutions that continued over from previous years, and any shortfalls in obtaining prompt notification pursuant to Article 13(3) of the Treaty or in cooperation between the Parties pursuant to Article 13(3) and (4) of the Treaty;

(F) a description of any post-shipment verification, end-user/end-use monitoring, or other security activity related to Treaty implementation conducted during the year, the purposes of such activity and the results achieved; and

(G) any Office of Inspector General activity bearing upon Treaty implementation conducted during the year, any resultant findings or recommendations, and any actions taken in response to current or past findings or recommendations.

Section 3. Understandings.

The Senate's advice and consent to the ratification of the Treaty with the United Kingdom Concerning Defense Trade Cooperation is subject to the following understandings, which shall be included in the instrument of ratification:

(1) Meaning of the phrase ''identified in.''

It is the understanding of the United States that the phrase ''identified in'' in the Treaty shall be interpreted as meaning ''identified pursuant to.''

(2) Meaning of the word ''scope.''

It is the understanding of the United States that the word ''Scope'' in the Treaty shall be interpreted as meaning ''the Treaty's coverage as identified in Article 3.''

(3) Cooperative programs with exempt and non-exempt defense articles.

It is the understanding of the United States that if a cooperative program is mutually determined, consistent with Section 2(2)(e) of the Implementing Arrangement, to be within the Scope of the Treaty pursuant to Article 3(1)(b) of the Treaty despite involving Defense Articles that are exempt from the Scope of the Treaty pursuant to Article 3(2) of the Treaty, the exempt Defense Articles shall remain exempt from the Scope of the Treaty and the Treaty shall apply only to non-exempt Defense Articles required for the program.

(4) Investigations and reports of alleged violations.

It is the understanding of the United States that the words ''as appropriate'' in Section 10(3)(f) of the Implementing Arrangement do not detract in any way from the obligation in Article 13(3) of the Treaty, that ''Each Party shall promptly investigate all suspected violations and reports of alleged violations of the procedures established pursuant to this Treaty, and shall

promptly inform the other Party of the results of such investigations.''

(5) Exempt defense articles.

It is the understanding of the United States that if one Party to the Treaty exempts a type of Defense Articles from the scope of the Treaty pursuant to Article 3(2) of the Treaty, then Defense Articles of that type will be treated as exempt by both Parties to the Treaty.

(6) Intermediate consignees.

It is the understanding of the United States that any intermediate consignee of an Export from the United States under the Treaty must be a member of the Approved Community or otherwise approved by the United States Government.

(7) Scope of treaty exemption.

The United States interprets the Treaty not to exempt any person or entity from any United States statutory and regulatory requirements, including any requirements of licensing or authorization, other than those included in the International Traffic in Arms Regulations, as modified or amended.

Accordingly, the United States interprets the term 'license or other written authorization' in Article 2 and the term 'licenses or other authorizations' in Article 6(1), as these terms apply to the United States, and the term 'prior written authorization by the United States Government' in Article 7, to refer only to such licenses, licensing requirements, and other authorizations as are required or issued by the United States pursuant to the International Traffic in Arms Regulations, as modified or amended; and the United States interprets the reference to 'the applicable licensing requirements and the implementing regulations of the United States Arms Export Control Act' in Article 13(1) to refer only to the applicable licensing requirements under the International Traffic in Arms Regulations, as modified or amended.

Section 4. Declarations.

The Senate's advice and consent to the ratification of the Treaty with the United Kingdom Concerning Defense Trade Cooperation is subject to the following declarations:

(1) Self-execution.

This Treaty is not self-executing in the United States, notwithstanding the statement in the preamble to the contrary.

(2) Private rights.

This Treaty does not confer private rights enforceable in United States courts.

(3) Intellectual property rights.

No liability will be incurred by or attributed to the United States Government in connection with any possible infringement of privately owned patent or proprietary rights, either domestic or foreign, by reason of the United States Government's permitting Exports or Transfers or its approval of Re-exports or Re-transfers under the Treaty.

Section 5. Definitions.

As used in this resolution:

(1) The terms ''Treaty with the United Kingdom Concerning Defense Trade Cooperation'' and ''Treaty'' mean the Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007.

(2) The terms ''Implementing Arrangement Pursuant to the Treaty'' and ''Implementing Arrangement'' mean the Implementing Arrangement Pursuant to the Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, which was signed in Washington on February 14, 2008.

(3) The terms ''Defense Articles,'' ''Export,'' ''Re-export,'' ''Re-transfer,'' ''Transfer,'' ''Approved Community,'' ''United States Community,'' ''United Kingdom Community,'' and ''Territory of the United Kingdom'' have the meanings given to them in Article 1 of the Treaty.

(4) The terms ''Management Board'' and ''Management Plan'' have the meanings given to them in Section 1 of the Implementing Arrangement.

(5) The terms ''person'' and ''foreign person'' have the meaning given to them by section 38(g)(9) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)). The term ''U.S. person'' has the meaning given to it by part 120.15 of title 22, Code of Federal Regulations.

The PRESIDING OFFICER. Senators in favor of the next resolution of ratification, please rise. Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification was agreed to, as follows:

TREATY

[Treaty with Australia Concerning Defense Trade Cooperation (Treaty Doc. 110–10)]

Section 1. Senate Advice and Consent Subject to Conditions, Understandings and Declarations

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (Treaty Doc. 110–10). (as defined in section 5 of this resolution), subject to the conditions in section 2, the understandings in section 3 and the declarations in section 4.

Section 2. Conditions.

The Senate's advice and consent to the ratification of the Treaty with Australia Concerning Defense Trade Cooperation is subject to the following conditions, which shall be binding upon the President:

(1) United States preparation for treaty implementation.

(A) At least 15 days before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a report—

(i) describing steps taken to ensure that the Executive branch and United States industry are prepared to comply with Treaty requirements;

(ii) analyzing the implications of the Treaty, and especially of Article 3(3) of the Treaty, for the protection of intellectual property rights of United States persons;

(iii) explaining what steps the United States Government is taking and will take to combat improper or illegal intangible exports (i.e., exports as defined in part 120.17(a)(4) of title 22, Code of Federal Regulations) under the Treaty; and

(iv) setting forth the issues to be addressed in the Management Plan called for by Section 12(3)(f) of the Implementing Arrangement and the procedures that are expected to be adopted in that Plan.

(B) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a certification that changes to the International Traffic in Arms Regulations (parts 120–130 of title 22, Code of Federal Regulations) have been published in the Federal Register pursuant to the Arms Export Control Act, as appropriate, that would, upon entry into force of the Treaty,—

(i) make clear the legal obligation for any person involved in an Export, Re-export, Transfer, or Re-transfer under the Treaty to comply with all requirements in the revised International Traffic in Arms Regulations, including by taking all reasonable steps to ensure the accuracy of information received from a member of the Approved Community that is party to an Export, Re-export, Transfer, or Re-transfer under the Treaty;

(ii) make clear the legal obligation for Approved Community members to comply with United States Government instructions and requirements regarding United States Defense Articles added to the list of exempt Defense Articles pursuant to Article 3(2) of the Treaty;

(iii) limit a person from being a member of the United States Community, pursuant to Article 5(2) of the Treaty, if that person is generally ineligible to export pursuant to section 120.1(c) of title 22, Code of Federal Regulations; and

(iv) require any nongovernmental entity that ceases to be included in the United States Community to comply with instructions from authorized United States Government officials and to open its records of transactions under the Treaty to inspection by United States Government and, as appropriate, authorized Australian Government officials pursuant to Article 12 of the Treaty.

(C) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress—

(i) a certification that appropriate mechanisms have been established to identify, in connection with the process for determining whether a nongovernmental entity is in the United States Community pursuant to Article 5(2) of the Treaty, persons who meet the criteria in section 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1));

(ii) a certification that appropriate mechanisms have been established to verify that nongovernmental entities in the United States that Export pursuant to the Treaty are eligible to export Defense Articles under United States law and regulation as required by Article 5(2) of the Treaty;

(iii) a certification that United States Department of Homeland Security personnel at United States ports—

(a) have prompt access to a State Department database containing registered exporters, freight forwarders and consignees, and watch lists regarding United States companies; and

(b) are prepared to prevent attempts to export pursuant to the Treaty by United States persons who are not eligible to export Defense Articles under United States law or regulation, even if such person has registered with the United States Government;

(iv) a certification that the Secretary of Defense has promulgated appropriate changes to the National Industrial Security Program Operating Manual and to Regulation DoD 5200.1–R, ''Information Security Program,'' and has issued guidance to industry regarding marking and other Treaty compliance requirements; and

(v) a certification that a capability has been established to conduct post-shipment verification, end-use/end-user monitoring and related security audits for Exports under the Treaty, accompanied by a report setting forth the legal authority, staffing and budget provided for this capability and any further Executive branch or congressional action recommended to ensure its effective implementation.

(2) Treaty partner preparation for treaty implementation.

Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall certify to Congress that the Government of Australia has—

(A) enacted legislation to strengthen generally its controls over defense and dual-use goods, including controls over intangible

transfers of controlled technology and brokering of controlled goods, technology, and services, and setting forth:

(i) the criteria for entry into the Australian Community and the conditions Australian Community members must abide by to maintain membership, including personnel, information and facilities security requirements;

(ii) the record-keeping and notification and reporting requirements under the Treaty;

(iii) the handling, marking and classification requirements for United States and Australian Defense Articles Exported or Transferred under the Treaty;

(iv) the requirements for Exports and Transfers of United States Defense Articles outside the Approved Community or to a third country;

(v) the rules for handling United States Defense Articles that are added to or removed from the list of items exempted from Treaty application;

(vi) the rules for transitioning into and out of the Australian Community;

(vii) auditing, monitoring and investigative powers for Commonwealth officials and powers to allow Commonwealth officials to perform post-shipment verifications and end-use/end-user monitoring; and

(viii) offenses and penalties, and administrative requirements, necessary for the enforcement of the Treaty and its Implementing Arrangement; and

(B) promulgated regulatory changes setting forth:

(i) the criteria for entry into the Australian Community, and terms for maintaining Australian Community membership;

(ii) the criteria for individuals to become authorized to access United States Defense Articles received pursuant to the Treaty;

(iii) benefits stemming from Australian Community membership, including a framework for license-free trade with the United States in classified or controlled items falling within the scope of the Treaty;

(iv) the conditions Australian Community members must abide by to maintain membership, including:

(a) record-keeping and notification requirements;

(b) marking and classification requirements for defense articles Exported or Transferred under the Treaty;

(c) requirements for the Re-transfer to non-Approved Community members and Re-export to a third country of defense articles; and

(d) maintaining security standards and measures articulated in Defense protective security policy to protect defense articles pursuant to the Treaty;

(v) provisions to enforce the procedures established pursuant to the Treaty, including auditing and monitoring powers for Australian Department of Defence officials and powers to allow Department of Defence officials to perform post-shipment verifications and end-use/end-user monitoring;

(vi) offenses and penalties, including administrative and criminal penalties and suspension and termination from the Australian Community, to enforce the provisions of the Treaty; and

(vii) requirements and standards for transition into or out of the Australian Community and Treaty framework.

(3) Joint operations, programs and projects.

The Secretary of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives informed of the lists of combined military and counter-terrorism operations developed pursuant to Article 3(1)(a) of the Treaty; cooperative security and defense research, development, production, and support programs developed pursuant to Article 3(1)(b) of the Treaty; and specific security and defense projects developed pursuant to article 3(1)(c) of the Treaty.

(4) Exempted defense articles.

(A) The President may remove a Defense Article from the list of Defense Articles exempt from the Scope of the Treaty, if such removal is not barred by United States law, 30 days after the President informs the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of such proposed removal.

(B) When a Defense Article is added to the list of Defense Articles exempt from the Scope of the Treaty, the Secretary of State shall provide a copy of the Federal Register Notice delineating the policies and procedures that will govern the control of such Defense Article, consistent with Section 4(7) of the Implementing Arrangement, as well as an explanation of the reasons for adopting those policies and procedures, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within five days of the issuance of such Notice.

(5) Approved community membership.

(A) If sanctions are in effect against a person in the Australian Community pursuant to section 73(a)(2)(B) or section 81 of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(B) or 2798), the United States shall raise the matter pursuant to Article 4(2) of the Treaty and Section 6(9) of the Implementing Arrangement.

(B) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days before the U.S. Government agrees to the initial inclusion in the Australian Community of a nongovernmental Australian entity, if the Department of State is aware that the entity, or any one or more of its relevant senior officers or officials:

(i) Has been convicted of violating a statute cited in paragraph 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1)); or

(ii) is, or would be if that person were a United States person,

(a) ineligible to contract with any agency of the U.S. Government;

(b) ineligible to receive a license or other form of authorization to export from any agency of the U.S. Government; or

(c) ineligible to receive a license or any form of authorization to import defense articles or defense services from any agency of the U.S. Government.

(C) The Secretary of State shall inform and consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days after the United States Government agrees to the continued inclusion in the Australian Community of a nongovernmental Australian entity, if the Department is aware that the entity, or any one or more of its relevant senior officers or officials, raises one or more of the concerns referred to in paragraph (B).

(6) Transition policies and procedures.

(A) No fewer than 15 days before formally establishing the procedures called for in Section 5(5) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the transition to the application of the Treaty, pursuant to Article 3(3) of the Treaty, of Defense Articles acquired and delivered under the Foreign Military Sales program.

(B) No fewer than 15 days before formally establishing the procedures called for in Section 7(2) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the members of the Australian Community wishing to transition to the processes established under the Treaty, pursuant to Article 14(2) of the Treaty, from the requirements of a United States Government export license or other authorization.

(7) Congressional oversight.

(A) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives promptly of any report, consistent with Section 11(6)(f) of the Implementing Arrangement, of a material violation of Treaty requirements or procedures by a member of the Approved Community.

(B) The Department of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regularly regarding issues raised in the Management Board called for in Section 12(3) of the Implementing Arrangement, and the resolution of such issues.

(8) Annual report.

Not later than March 31, 2011, and annually thereafter, the President shall submit to Congress a report, which shall cover all Treaty activities during the previous calendar year. This report shall include:

(A) a summary of the amount of Exports under the Treaty and of Defense Articles transitioned into the Treaty, with an analysis of how the Treaty is being used;

(B) a list of all political contributions, gifts, commissions and fees paid, or offered or agreed to be paid, by any person in connection with Exports of Defense Articles under the Treaty in order to solicit, promote, or otherwise to secure the conclusion of such sales;

(C) any action to remove from the Australian Community a nongovernmental entity or facility previously engaged in activities under the Treaty, other than due to routine name or address changes or mergers and acquisitions;

(D) any concerns relating to infringement of intellectual property rights that were raised to the President or an Executive branch Department or Agency by Approved Community members, and developments regarding any concerns that were raised in previous years;

(E) a description of any relevant investigation and each prosecution pursued with respect to activities under the Treaty, the results of such investigations or prosecutions and of such investigations and prosecutions that continued over from previous years, and any shortfalls in obtaining prompt notification pursuant to Article 13(3) of the Treaty or in cooperation between the Parties pursuant to Article 13(3) and (4) of the Treaty;

(F) a description of any post-shipment verification, end-user/end-use monitoring, or other security activity related to Treaty implementation conducted during the year, the purposes of such activity and the results achieved; and

(G) any Office of Inspector General activity bearing upon Treaty implementation conducted during the year, any resultant findings or recommendations, and any actions taken in response to current or past findings or recommendations.

Section 3. Understandings.

The Senate's advice and consent to the ratification of the Treaty with Australia Concerning Defense Trade Cooperation is subject to the following understandings,

which shall be included in the instrument of ratification:

(1) Meaning of the phrase ''identified in.''

It is the understanding of the United States that the phrase ''identified in'' in the Treaty shall be interpreted as meaning ''identified pursuant to.''

(2) Cooperative programs with exempt and non-exempt defense articles.

It is the understanding of the United States that if a cooperative program is mutually determined, consistent with Section 2(2)(e) of the Implementing Arrangement, to be within the Scope of the Treaty pursuant to Article 3(1)(b) of the Treaty despite involving Defense Articles that are exempt from the Scope of the Treaty pursuant to Article 3(2) of the Treaty, the exempt Defense Articles shall remain exempt from the Scope of the Treaty and the Treaty shall apply only to non-exempt Defense Articles required for the program.

(3) Investigations and reports of alleged violations.

It is the understanding of the United States that the words ''as appropriate'' in Section 10(3)(f) of the Implementing Arrangement do not detract in any way from the obligation in Article 13(3) of the Treaty, that ''Each Party shall promptly investigate all suspected violations and reports of alleged violations of the procedures established pursuant to this Treaty, and shall promptly inform the other Party of the results of such investigations.''

(4) Exempt defense articles. It is the understanding of the United States that if one Party to the Treaty exempts a type of Defense Articles from the scope of the Treaty pursuant to Article 3(2) of the Treaty, then Defense Articles of that type will be treated as exempt by both Parties to the Treaty.

(5) Intermediate consignees. It is the understanding of the United States that any intermediate consignee of an Export from the United States under the Treaty must be a member of the Approved Community or otherwise approved by the United States Government.

(6) Scope of treaty exemption. The United States interprets the Treaty not to exempt any person or entity from any United States statutory and regulatory requirements, including any requirements of licensing or authorization, other than those included in the International Traffic in Arms Regulations, as modified or amended. Accordingly, the United States interprets the term ''license or other written authorization'' in Article 2 and the term ''licenses or other authorizations'' in Article 6(1), as these terms apply to the United States, and the term ''prior written authorization by the United States Government'' in Article 7, to refer only to such licenses, licensing requirements, and other authorizations as are required or issued by the United States pursuant to the International Traffic in Arms Regulations, as modified or amended; and the United States interprets the reference to ''the applicable licensing requirements and the implementing regulations of the United States Arms Export Control Act'' in Article 13(1) to refer only to the applicable licensing requirements under the International Traffic in Arms Regulations, as modified or amended.

Section 4. Declarations.

The Senate's advice and consent to the ratification of the Treaty with Australia Concerning Defense Trade Cooperation is subject to the following declarations:

(1) Self-execution. This Treaty is not self-executing in the United States, notwithstanding the statement in the preamble to the contrary.

(2) Private rights. This Treaty does not confer private rights enforceable in United States courts.

(3) Intellectual property rights. No liability will be incurred by or attributed to the United States Government in connection with any possible infringement of privately owned patent or proprietary rights, either domestic or foreign, by reason of the United States Government's permitting Exports or Transfers or its approval of Re-exports or Re-transfers under the Treaty.

Section 5. Definitions.

As used in this resolution:

(1) The terms ''Treaty with Australia Concerning Defense Trade Cooperation'' and ''Treaty'' mean the Treaty between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007.

(2) The terms ''Implementing Arrangement Pursuant to the Treaty'' and ''Implementing Arrangement'' mean the Implementing Arrangement Pursuant to the Treaty between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, which was signed in Washington on March 14, 2008.

(3) The terms ''Defense Articles,'' ''Export,'' ''Re-export,'' ''Re-transfer,'' ''Transfer,'' ''Approved Community,'' ''United States Community,'' ''Australian Community,'' and ''Scope'' have the meanings given to them in Article 1 of the Treaty.

(4) The terms ''Management Board'' and ''Management Plan'' have the meanings given to them in Section 1 of the Implementing Arrangement.

(5) The terms ''person'' and ''foreign person'' have the meaning given to them by section 38(g)(9) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)). The term ''U.S. person'' has the meaning given to it by part 120.15 of title 22, Code of Federal Regulations.

NOMINATIONS DISCHARGED

Mr. REID. I ask unanimous consent that the Foreign Relations Committee be discharged en bloc from the following nominations: PN2091, Nancy Lindborg; PN2098, Donald Kenneth Steinberg; and PN2128, Cameron Munter; that the Senate then proceed en bloc to their consideration; the nominations be confirmed en bloc; the motions to reconsider be considered made and laid on the table en bloc; that any statements related to the nominations be printed in the RECORD; the President of the United States be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Nancy E. Lindborg, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development, vice Michael E. Hess, resigned.

Donald Kenneth Steinberg, of California, to be Deputy Administrator of the United States Agency for International Development, vice Frederick W. Schieck, resigned.

DEPARTMENT OF STATE

Cameron Munter, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged en bloc of the following nominations: PN1991, PN1988, PN1992, PN1952, PN1994, PN1989, PN1995, and PN2129.

The PRESIDING OFFICER. Without objection, it is so ordered. The nominations are discharged en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed en bloc to their consideration; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc, that any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Mark M. Boulware, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United Sates of America to the Republic of Chad.

Kristie Anne Kenney, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

Christopher J. McMullen, 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 the Republic of Angola.

Robert P. Mikulak, of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Organization for the Prohibition of Chemical Weapons.

Wanda L. Nesbitt, of Pennsylvania, 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 Namibia.

Jo Ellen Powell, of Maryland, 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 Islamic Republic of Mauritania.

Karen Brevard Stewart, of Florida, 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 Lao People's Democratic Republic.

Pamela Ann White, of Maine, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Mr. REID. Mr. President, I now ask unanimous consent that the Agriculture Committee be discharged en bloc of the following nominations for membership on the Board of Directors of the Commodity Credit Corporation, and that the Senate then proceed en bloc to their consideration: PN832, PN833, PN834, and PN836; that the nominations be confirmed en bloc, the motions to reconsider be considered

made and laid upon the table en bloc, any statements relating to the nominations be printed in the RECORD, and the President of the United States be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF AGRICULTURE

Kevin W. Concannon, of Maine, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Kathleen A. Merrigan, of Massachusetts, to be a Member of the Board of Directors of the Commodity Credit Corporation.

James W. Miller, of Virginia, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Dallas P. Tonsager, of South Dakota, to be a Member of the Board of Directors of the Commodity Credit Corporation.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration en bloc of Calendar Nos. 1102, 1103, 1104, 1105, 1106, and 1107; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc, any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Joseph H. Hogsett, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

Michael J. Moore, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Beverly Joyce Harvard, of Georgia, to be United States Marshal for the Northern District of Georgia for the term of four years.

James Edward Clark, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years.

Kenneth James Runde, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

Michael Robert Bladel, of Iowa, to be United States Marshal for the Southern District of Iowa for the term of four years.

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1172, the nomination of Maria Raffinan, to be an associate judge of the DC Superior Court; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table; that any statements relating to the nomination be printed in the RECORD, and the President of the United States be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

THE JUDICIARY

Maria Elizabeth Raffinan, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1140 to and including 1170 and 1171, and all nominations on the Secretary's Desk in the Air Force, Army, and Navy; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that no further motions be in order, that any statements relating thereto be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Alfred J. Stewart

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Christopher J. Bence

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James M. Kowalski

The following named officer for appointment as Vice Chief of Staff, United States Air Force, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8034 and 601:

To be general

Lt. Gen. Philip M. Breedlove

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William L. Shelton

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Richard Y. Newton III

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Herbert J. Carlisle

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Stanley T. Kresge

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Susan J. Helms

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Darrell D. Jones

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Larry D. James

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Arthur W. Hinaman

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Curtis M. Scaparrotti

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Phillip M. Churn, Sr.

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Daniel J. Dire

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Ronald E. Dziedzicki

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John D. Johnson

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be brigadier general

Col. Joseph A. Brendler

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated in the United States Army under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Dana M. Capozzella
Col. Stephen L. Danner

The following Army National Guard of the United States officer for appointment in the

Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Maria L. Britt

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. William L. Freeman, Jr.

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Frank J. Grass

IN THE MARINE CORPS

The following named officer for appointment as Commandant of the Marine Corps, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 5043 and 601:

To be general

Gen. James F. Amos

The following named officer for appointment as Assistant Commandant of the Marine Corps, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 5044 and 601:

To be general

Lt. Gen. Joseph F. Dunford, Jr.

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Thomas D. Waldhauser

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert B. Neller

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard T. Tryon

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Terry G. Robling

IN THE NAVY

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Charles D. Harr

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. (Selectee) John M. Richardson

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Cecil E. Haney

CENTRAL INTELLIGENCE

David B. Buckley, of Virginia, to be Inspector General, Central Intelligence Agency, vice John Leonard Helgerson.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN2151 AIR FORCE nominations (30) beginning ROBERT L. GAUER, and ending RAJENDRA C. YANDE, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2152 AIR FORCE nominations (40) beginning ARLENE D. ADAMS, and ending AMY S. WOOSLEY, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2153 AIR FORCE nominations (63) beginning MARIANNE E. ALANIZ, and ending MARK L. WIMLEY, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2179 AIR FORCE nomination of Ernest J. Prochazka, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2227 AIR FORCE nominations (3) beginning DANIEL P. GILLIGAN, and ending NGHIA H. NGUYEN, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

IN THE ARMY

PN2048 ARMY nomination of Robert H. Kewley, Jr., which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2049 ARMY nomination of Wiley C. Thompson, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2050 ARMY nomination of Raymond C. Nelson, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2051 ARMY nomination of Bernard B. Banks, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2052 ARMY nomination of David A. Wallace, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2053 ARMY nominations (3) beginning MELISSA R. COVOLESKY, and ending JOHN H. STEPHENSON, II, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2054 ARMY nomination of Jonathan J. McColumn, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2055 ARMY nomination of Daniel E. Banks, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2056 ARMY nomination of Latanya A. Pope, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2057 ARMY nomination of Ned W. Roberts, Jr., which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2058 ARMY nomination of John W. Paul, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2059 ARMY nominations (3) beginning ERIC S. ALFORD, and ending MICHAEL K. HANIFAN, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2060 ARMY nominations (2) beginning GEORGE W. MELELEU, and ending AARON L. POLSTON, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2061 ARMY nominations (3) beginning DEAN P. SUANICO, and ending ELIZABETH R. OATES, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2062 ARMY nominations (3) beginning BRIAN F. LANE, and ending KIMBERLY D. KUMER, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2063 ARMY nominations (3) beginning DUSTIN C. FRAZIER, and ending COURTNEY T. TRIPP, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2064 ARMY nominations (2) beginning DONALD P. BANDY, and ending KEITH J. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2065 ARMY nominations (10) beginning STANLEY GREEN, and ending JON B. TIPTON, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2073 ARMY nominations (3) beginning PATRICK L. MALLETT, and ending SCOTT H. SINKULAR, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2074 ARMY nominations (38) beginning LANNY J. ACOSTA, Jr., and ending PATRICK L. VERGONA, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2140 ARMY nomination of Polly R. Graham, which was received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2141 ARMY nomination of Dwaine K. Warren, which was received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2142 ARMY nominations (4) beginning JAMES K. BARNETT, and ending EDWARD D. NORTHROP, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2154 ARMY nomination of Thomas E. Koertge, which was received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2155 ARMY nomination of Edward B. Martin, which was received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2156 ARMY nomination of Timothy S. Allison-Aipa, which was received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2157 ARMY nomination of Vickie M. Jester, which was received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2158 ARMY nominations (2) beginning BERNARD H. HOFMANN, and ending GREGORY SEAN F. MCDOUGAL, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2159 ARMY nominations (2) beginning CHARLES L. CLARK, and ending OKSANA BOYECHKO, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2160 ARMY nominations (2) beginning ALLEN L. FEIN, and ending ROSTYLAV R.

SZWAJKUN, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2161 ARMY nominations (2) beginning ROBERT KIRK, and ending TIMOTHY M. SNAVELY, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2162 ARMY nominations (3) beginning PAUL OLIVER, and ending MICHAEL A. KELLEY, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2163 ARMY nominations (6) beginning AMANDA J. CONLEY, and ending THOMAS F. SPENCER, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2164 ARMY nominations (9) beginning JEFFREY D. ALLEN, and ending TIMOTHY REYNOLDS, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2165 ARMY nominations (20) beginning DIXIE J. BURNER, and ending ELIZABETH A. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2166 ARMY nominations (78) beginning MICHELL L. AUCK, and ending D010491, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2167 ARMY nominations (139) beginning LANEICE L. ABDELSHAKUR, and ending SASHI A. ZICKEFOOSE, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2168 ARMY nominations (177) beginning JOSEPH H. AFANADOR, and ending D010299, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2180 ARMY nomination of David C. Decker, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2181 ARMY nomination of Elizabeth S. Mason, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2182 ARMY nominations (2) beginning YVONNE J. FLEISCHMAN, and ending WENDY M. ROSS, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2183 ARMY nominations (2) beginning MARILYN S. CHIAFULLO, and ending HOWARD D. REITZ, JR., which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2184 ARMY nomination of Connie C. Dyer, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2185 ARMY nomination of Jonathan J. Beitler, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2186 ARMY nomination of David K. Powell, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2187 ARMY nominations (7) beginning JOHN J. FERENCE, and ending DAVID M. SCHLAACK, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2188 ARMY nominations (9) beginning JULIE A. BLIKE, and ending AVA J. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2189 ARMY nominations (14) beginning WILLIAM B. BRITT, and ending LYNN A. WISE, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2190 ARMY nominations (16) beginning JAMES T. BARBER, and ending JOSEPH C. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2191 ARMY nominations (16) beginning SANDRA L. ALVEY, and ending AARON TUCKER, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2193 ARMY nominations (18) beginning JAN E. ALDYKIEWICZ, and ending LOUIS P. YOB, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2194 ARMY nominations (23) beginning REBECCA L. ALLEN, and ending TONI Y. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2195 ARMY nominations (39) beginning GEORGE A. BERNDT, III, and ending DOUGLAS W. YODER, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2196 ARMY nominations (7) beginning ALAN D. ABRAMS, and ending MARK D. SCHULTHESS, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2197 ARMY nominations (5) beginning PAMELA Y. DELANCY, and ending KAREN L. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2198 ARMY nominations (4) beginning ERICK J. ALVERIO, and ending CYNTHIA E. PIERCE, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2199 ARMY nominations (3) beginning BESS J. PIERCE, and ending TY J. VANNIEUWENHOVEN, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2200 ARMY nominations (3) beginning STEVEN M. GRODDY, and ending HEIDI M. WIEGAND, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2201 ARMY nominations (23) beginning HOWARD A. ALLEN, III, and ending SUZANNE P. VARESLUM, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2202 ARMY nominations (22) beginning TYLER C. CRANER, and ending BRENNAN V. WALLACE, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2003 ARMY nominations (6) beginning STEPHEN J. BETHONEY, and ending KIRK A. YAUKEY, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2204 ARMY nominations (3) beginning LAWRENCE E. WIDMAN, and ending JAMES I. JOUBERT, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2209 ARMY nominations (4) beginning PAMELA K. KING, and ending MARILYBN TORRES, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2229 ARMY nominations (4) beginning MARIA E. BOVILL, and ending JOANNA J. REAGAN, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2230 ARMY nominations (6) beginning MARK E. BEICKE, and ending JAMES D. TOOMBS, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2231 ARMY nominations (7) beginning TODD O. JOHNSON, and ending TAMI ZALEWSKI, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2232 ARMY nominations (17) beginning MARK R. BENNE, and ending JAMES WOOD, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2233 ARMY nominations (25) beginning CELETHIA M. ABNERWISE, and ending LISA A. TOVEN, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2234 ARMY nominations (31) beginning PAUL D. ANDERSON, and ending ALEX P. ZOTOMAYOR, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2235 ARMY nominations (92) beginning WILLIAM P. ADELMAN, and ending DAVID C. ZENGER, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

IN THE NAVY

PN2066 NAVY nomination of Timothy J. Ringo, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2067 NAVY nominations (3) beginning WILLIAM A. BROWN, JR., and ending PAUL J. WISNIEWSKI, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2068 NAVY nominations (4) beginning JAIME E. RODRIGUEZ, and ending VINCENT M. PERONTI, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2075 NAVY nomination of Robert C. Moore, which was received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2076 NAVY nominations (2) beginning STEVEN D. SENEY, and ending NICHOLAS A. SINNOKRAK, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2077 NAVY nominations (3) beginning ABBY L. ODONNELL, and ending STELLA J. WEISS, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2078 NAVY nominations (6) beginning PATRICK P. DAVIS, and ending JERRY Y. TZENG, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2079 NAVY nominations (18) beginning ROBERT E. ATKINSON, and ending GIANCARLO WAGHELSTEIN, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2080 NAVY nominations (20) beginning ANTHONY H. BEASTER, and ending JONATHAN C. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2081 NAVY nominations (20) beginning CHARLES M. ABELL, and ending CATHERINE F. WALLACE, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2082 NAVY nominations (29) beginning RANDY J. BERTI, and ending ROBERT H. VOHRER, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2083 NAVY nominations (30) beginning KATIE M. ABDALLAH, and ending NATHAN J. WINTERS, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2084 NAVY nominations (40) beginning JEREMY S. BIEDIGER, and ending SCOTT

E. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2085 NAVY nominations (42) beginning ADRIAN E. ARVIZO, and ending LISA L. ZUMBRUNN, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2086 NAVY nominations (70) beginning PHILIP T. ALCORN, and ending SCOTT D. ZIEGENHORN, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2087 NAVY nominations (184) beginning ARMAND P. ABAD, and ending MATTHEW A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2088 NAVY nominations (913) beginning BENJAMIN P. ABBOTT, and ending DANIEL W. ZUCKSCHWERDT, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2143 NAVY nomination of Tina F. Edwards, which was received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2144 NAVY nominations (2) beginning JOXEL GARCIA, and ending LARRY E. MENESTRINA, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2145 NAVY nominations (2) beginning BRIAN D. ONEIL, and ending JOSE R. PEREZTORRES, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2146 NAVY nomination of Erik Rangel, which was received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2169 NAVY nomination of Victor John Catullo, which was received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2170 NAVY nominations (3) beginning WILLIAM A. MIX, and ending JOHN H. STEELY, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2171 NAVY nominations (9) beginning RONALD K. BACH, and ending ANNA A. ROSS, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2205 NAVY nomination of Brian O. Walden, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2206 NAVY nomination of Jeffrey P. Simko, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2207 NAVY nomination of Patrick A. Garvey, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2208 NAVY nominations (2) beginning SHERWIN Y. CHO, and ending JEFFREY G. SOTACK, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2236 NAVY nomination of Dominic V. Gonzales, which was received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2237 NAVY nomination of Michael H. Hooper, which was received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2238 NAVY nomination of Virgilio S. Crescini, which was received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2239 NAVY nominations (10) beginning ALDRIN J.A. CORDOVA, and ending JERALD L. ROOKS, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2240 NAVY nominations (60) beginning JOHN W. BAISE, and ending NING L. YUAN, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2241 NAVY nominations (25) beginning RAYNARD ALLEN, and ending ROBERT B. WILLS, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2242 NAVY nominations (114) beginning JOSE G. ACOSTA, JR., and ending SCOTT A. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2243 NAVY nominations (156) beginning KONIKI L. AIKEN, and ending JAMES S. ZMIJSKI, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2244 NAVY nominations (38) beginning DOMINIC J. ANTENUCCI, and ending DELICIA G. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2245 NAVY nominations (134 beginning BRENT N. ADAMS, and ending EMILY L. ZYWICKE, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2246 NAVY nominations (27) beginning TERESITA ALSTON, and ending ERIN K. ZIZAK, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2247 NAVY nominations (284) beginning KENRIC T. ABAN, and ending FRANKLIN R. ZUEHL, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

CONFIRMATION OF DAVID BUCKLEY

Mrs. FEINSTEIN. Mr. President, I am in support of the nomination of Mr. David Buckley to be the next inspector general of the Central Intelligence Agency, CIA.

On Tuesday, the Senate Select Committee on Intelligence voted unanimously to recommend Mr. Buckley's nomination. So there is overwhelming, bipartisan support for Mr. Buckley.

It is also important that the Senate act on this nomination before the upcoming recess. The position of the CIA inspector general has remained vacant since the retirement of John Helgerson in March 2009.

The Senate Intelligence Committee has seen firsthand the importance of the CIA inspector general. Many of the reports and audits from this office remain classified, but have had a major impact on our committee's understanding of CIA programs and at times have led directly to major changes in those programs.

Other reports have been made public, like the 2004 Special Review into the CIA detention and interrogation program. The report raised major questions about the program's legality and compliance and allowed the public to see some of what went wrong with the CIA program.

The inspector general of the CIA plays a crucial role. The CIA is an agency that is charged with operating in secret in locations around the world, conducting covert actions and collecting intelligence. It shields its activities from the public, but it needs oversight. The IG's Office has been conducting independent reviews of Agency offices and programs, recommended measures of accountability where appropriated, and performed detailed audits of CIA expenditures and financial statements.

In April 2010, Vice Chairman BOND and I wrote a letter to President Obama, pointing out the importance of the CIA IG position and the need to nominate and confirm a strong, independent auditor and investigator.

I am pleased that he nominated Mr. Buckley. His confirmation hearing was held on September 21, where Senators reviewed his record, his views on the position to which he has been nominated, and his plans if confirmed. Mr. Buckley was straightforward with our committee and very clear about his belief in a strong and independent IG.

Mr. Buckley has had more than 30 years of experience in government service that should provide him with an excellent background for the challenges he will face when confirmed.

Mr. Buckley enlisted with the Air Force in 1976, specializing in investigations. He continued service with the Air Force Office of Special Investigations as a civilian in 1984, working for 3 years before moving to the Senate Permanent Subcommittee on Investigations under then Chairman Sam Nunn.

Senator Nunn offered the following endorsement for Mr. Buckley when he wrote to the committee recently:

> I found David to be a consummate professional of the highest integrity, and he enjoyed a great reputation on both sides of the aisle. He has excellent judgment and an abundance of common sense.

Following 8 years on the Senate Permanent Subcommittee on Investigations, including time as chief investigator, Mr. Buckley worked as a special assistant to the inspector general of the Department of Defense, at the General Accounting Office, and at the Treasury Department for 7 years, most of it as assistant inspector general for investigations.

Mr. Buckley then served from 2005 to 2007 as the minority staff director of the House Permanent Select Committee on Intelligence. As such he had a purview of the entire intelligence community, including the CIA, and developed an understanding from the congressional point of view of the important relationships the intelligence committees have with the CIA inspector general.

Finally, Mr. Buckley has worked as a senior manager at Deloitte Consulting since 2007, consulting in the national security arena. In short, David Buckley has spent 34 years in a career focused on conducting oversight, much of it in the defense and intelligence areas.

I believe his background makes him an excellent candidate and I look forward to working with Mr. Buckley in his new position.

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from the following nominations: PN1499, PN1976, and PN2071; that the Senate then proceed en bloc, to the consideration of those nominations, that they be confirmed en bloc; the motions to reconsider be considered made and laid upon the table en bloc; that any statements relating to the nominations be printed in the RECORD; and that the President be notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Mark F. Green, of Oklahoma, to be United States Attorney for the Eastern District of Oklahoma for the term of four years, vice Sheldon J. Sperling, term expired.

Paul Charles Thielen, of South Dakota, to be United States Marshal for the District of South Dakota for the term of four years, vice Warren Douglas Anderson, term expired.

Michael C. Ormsby, of Washington, to be United States Attorney for the Eastern District of Washington for the term of four years, vice James A. McDevitt.

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate consider en bloc the following nominations on the Executive Calendar: 500, 501, 1108, 1054, 810, 1109, 1110, 1111, 1112, 1113, 1115, 1116, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, and 1134; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table en bloc; and that the Senate then proceed to Calendar Nos. 1009, 1010, and 1011, and that the Senate proceed to vote on each of these three nominations.

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

Mr. REID. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action.

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

Mr. REID. Mr. President, it is my understanding that in addition to what we have already agreed to, we have to have the question laid before the body on Calendar Nos. 1009, 1010, and 1011. I ask that the Chair consider first No. 1009.

The PRESIDING OFFICER. The question is on agreeing to Executive Calendar No. 1009.

The nomination was agreed to.

Mr. REID. It is now my understanding we are going to move to Calendar No. 1110 and 1111 en bloc; is that right, Mr. President?

The PRESIDING OFFICER. That is correct.

Without objection, the question is on agreeing to Calendar Nos. 1110 and 1111 en bloc.

The nominations were agreed to.

Mr. REID. I want to make sure the RECORD reflects that I have asked consent on the numbers I read before in addition to 1009, 1010, and 1011; and that the motions to reconsider be laid upon the table; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and that the Senate now resume legislative session.

The PRESIDING OFFICER. That is the Chair's understanding.

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

LEGAL SERVICES CORPORATION

Julie A. Reiskin, of Colorado, to be Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2010.

Gloria Valencia-Weber, of New Mexico, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

DEPARTMENT OF STATE

Raul Yzaguirre, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

FEDERAL RESERVE SYSTEM

Sarah Bloom Raskin, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2002.

Janet L. Yellen, of California, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2010.

Janet L. Yellen, of California, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

DEPARTMENT OF ENERGY

Anne M. Harrington, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

FEDERAL HOUSING FINANCE AGENCY

Steve A. Linick, of Virginia, to be Inspector General of the Federal Housing Finance Agency.

EXPORT-IMPORT BANK OF THE UNITED STATES

Osvaldo Luis Gratacos Munet, of Puerto Rico, to be Inspector General, Export-Import Bank.

AFRICAN DEVELOPMENT FOUNDATION

Edward W. Brehm, of Minnesota, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2011.

Johnnie Carson, an Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 27, 2015.

Mimi E. Alemayehou, Executive Vice President of the Overseas Private Investment Corporation, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2015.

DEPARTMENT OF STATE

Duane E. Woerth, of Nebraska, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

Alexander A. Arvizu, 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 the Republic of Albania.

Joseph A. Mussomeli, of Virginia, a Career Member of the Senior Foreign Services, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

DEPARTMENT OF JUSTICE

William C. Killian, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Robert E. O'Neill, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years.

Albert Najera, of California, to be United States Marshal for the Eastern District of California for the term of four years.

William Claud Sibert, of Missouri, to be United States Marshal for the Eastern District of Missouri for the term of four years.

Myron Martin Sutton, of Indiana, to be United States Marshal for the Northern District of Indiana for the term of four years.

David Mark Singer, of California, to be United States Marshal for the Central District of California for the term of four years.

Jeffrey Thomas Holt, of Tennessee, to be United States Marshal for the Western District of Tennessee for the term of four years.

Steven Clayton Stafford, of California, to be United States Marshal for the Southern District of California for the term of four years.

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

Mary Minow, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2014.

NATIONAL SCIENCE FOUNDATION

Subra Suresh, of Massachusetts, to be Director of the National Science Foundation for a term of six years.

NATIONAL COUNCIL ON DISABILITY

Pamela Young-Holmes, of Wisconsin, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

LEGAL SERVICES CORPORATION

Harry James Franklyn Korrell III, of Washington, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

Joseph Pius Pietrzyk, of Ohio, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

Julie A. Reiskin, of Colorado, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2013.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

PROMOTING NATURAL GAS AND ELECTRIC VEHICLES ACT OF 2010—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar

No. 577, S. 3815, and I have a cloture motion at the desk.

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 motion to proceed to Calendar No. 577, S. 3815, the Promoting Natural Gas and Electric Vehicles Act of 2010.

HARRY REID, JEFF BINGAMAN, MAX BAUCUS, TOM UDALL, JON TESTER, RICHARD J. DURBIN, JEANNE SHAHEEN, FRANK R. LAUTENBERG, ROBERT P. CASEY, JR., JACK REED, TOM HARKIN, THOMAS R. CARPER, BILL NELSON, KENT CONRAD, BYRON L. DORGAN, DANIEL K. AKAKA, AL FRANKEN.

Mr. REID. I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

PAYCHECK FAIRNESS ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to the consideration of Calendar No. 561, S. 3772, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report 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 motion to proceed to Calendar No. 561, S. 3772, the Paycheck Fairness Act.

HARRY REID, PATRICK J. LEAHY, JOHN F. KERRY, CARL LEVIN, JACK REED, BERNARD SANDERS, BENJAMIN L. CARDIN, FRANK R. LAUTENBERG, RON WYDEN, TOM HARKIN, AMY KLOBUCHAR, SHERROD BROWN, KIRSTEN E. GILLIBRAND, CHRISTOPHER J. DODD, PATTY MURRAY, BARBARA BOXER.

Mr. REID. Mr. President, I now withdraw that motion.

The PRESIDING OFFICER. The motion is withdrawn.

FDA FOOD SAFETY MODERNIZATION ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to the consideration of Calendar No. 247, S. 510, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report 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 motion to proceed to Calendar No. 247, S. 510, the FDA Food Safety Modernization Act.

HARRY REID, TOM HARKIN, RICHARD J. DURBIN, JEFF BINGAMAN, MAX BAUCUS, TOM UDALL, JON TESTER, BENJAMIN L. CARDIN, JEANNE SHAHEEN, FRANK R. LAUTENBERG, HERB KOHL, ROBERT P. CASEY, JR., JACK REED, THOMAS R. CARPER, BILL NELSON, KENT CONRAD, CARL LEVIN, MARY L. LANDRIEU.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum with respect to the cloture motions be waived; further, that any pro forma sessions not count as an intervening day.

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

Mr. REID. I express my appreciation to the Senator from Washington for allowing me to conduct this business.

The PRESIDING OFFICER. The Senator from Washington is recognized.

COAST GUARD AUTHORIZATION ACT FOR FISCAL YEAR 2010—Resumed

Ms. CANTWELL. Mr. President, I rise to talk about the Coast Guard Authorization Act of 2010, which we have passed back to the House, with amendments. Hopefully, they will pass it later this evening, and it will be the first time we have gotten this authorization passed and the work that we have been doing for the last 4 years on reforming the Coast Guard's Deepwater Acquisition Program from the mistakes made in the past and setting on a new course will actually become law.

As the Presiding Officer knows, the Coast Guard is a vital agency for us in the Pacific Northwest, everything from maritime safety to protecting our environment to our fisheries and the important missions they carry out. Obviously, making sure the Coast Guard has the tools it needs to get the job done is very important.

I thank Senators SNOWE, ROCKEFELLER, and HUTCHISON for their hard work and for Members on both sides of the aisle for working on this legislation.

I said it has important acquisition reforms, and I wish to mention a few of those because the Deepwater program, with its acquisitions, ran into many problems.

First and foremost, the Coast Guard will return to its appropriate competitive procurement practices. This legislation ends what was an industry self-certification process, and it codifies the very rigorous process that the Coast Guard should have with the Major System Acquisition Manual. It establishes the right leadership and oversight for that and, an important aspect, I think, of all procurements related to acquisitions of this size, analyses of alternatives conducted by an independent third party.

This legislation also has other important safeguards for oilspill prevention and for fishing vessel safety, as the Presiding Officer knows, because one of the provisions in this legislation is to require a tug escort of double-hulled tanks in Prince William Sound, something the Presiding Officer, the Senators from Alaska, Mr. BEGICH and Ms. MURKOWSKI, asked be included in the bill.

This is important legislation, as we can see from the gulf incident and from incidents before. We obviously have to have large vessels escorted in and out of sensitive areas. I appreciate the leadership of the Senators from Alaska on this legislation.

It also adds new protections to the Olympic Coast National Marine Sanctuary off the State of Washington, making sure it is protected from vessels that pose an oilspill threat.

It also extends the important oilspill response assets through Washington's very vulnerable Strait of Juan de Fuca making sure that it, too, is more protected and has more resources to deal with incidents in the case of oilspills.

Finally, there is a new requirement for fishing vessel safety designed to protect the life and welfare of those fishermen who risk their lives to bring seafood to our tables. It requires that large fishing vessels get a safety certification from independent third parties, and it mandates that smaller fishing vessels meet the same Coast Guard safety standards as recreation vessels.

This is important because we know our fishing vessels take great risk in providing catch to us in the product they bring to market. But it is important we do so in a safe and responsible fashion. Having this type of independent safety requirements will be much needed.

It allows the Alaska-Washington pollock fleet to replace their boats to help meet the new safety standards. As the President knows, the fishing fleets for Washington and Alaska are large operations. The pollock fishery alone is over a billion-dollar industry. Making sure these vessels operate in a safe manner is critical for our industries to continue to succeed.

I thank the Presiding Officer for his input and for my colleagues on the Coast Guard Subcommittee of the Commerce Committee and the committee at large for their help in getting this legislation passed.

As I said, it has been nearly 4 years in the making to get this important legislation through Congress. It comes at a time when we continue to want the Coast Guard to have the best resources to meet the missions and requirements of their job but to do their acquisition in a responsible way, to right the wrongs that has been in the Coast Guard acquisition process at the beginning of the Deepwater program, to make sure there is oversight and third-party evaluation of that, and to make sure, as I said, that this bill establishes new laws on oilspill prevention and on fishing vessel safety so we

can continue to operate in these pristine waters in a safe and effective manner.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 10:45 p.m., recessed subject to the call of the Chair and reassembled at 11:39 p.m. when called to order by the Presiding Officer (Mr. BEGICH).

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

EXPIRING TERMS OF APPOINTED SENATORS

Mr. REID. Mr. President, the 111th Congress will be recorded as one of the country's most historic. It will be rightfully remembered for the landmark legislation we passed to help our economy recover from recession and to help Americans afford to recover from health problems and for the passion that characterized the debates over many of these laws. But it will also be remembered for the replacement of remarkable Senators, under remarkable circumstances, by dedicated and devoted appointees.

Two years ago, for the first time in half a century, the men elected President and the Vice President of the United States were sitting U.S. Senators. One year before the last time that happened, in 1959, Robert C. Byrd was sworn in for the first of his record nine consecutive full terms in this body.

In the 111th Congress, three pairs of the biggest shoes in American history needed to be filled, three public servants were chosen to sit in the seats vacated by the President, the Vice President, and the longest serving Member of Congress. That has never happened before and will probably never happen again.

Though Senators EDWARD KAUFMAN, ROLAND BURRIS, and CARTE GOODWIN were selected and not elected, none was content to be merely a footnote of history or the answer to a congressional trivia question. Each made the most of his time in the service of his State.

Before he became the junior Senator from Delaware, TED KAUFMAN was an engineer, a university professor, and Vice President BIDEN's right-hand man in this body for two decades. He spent nearly all his political career behind the scenes but impressed everyone in his State and in the Senate every time he stood up on the Senate floor or spoke out in a committee hearing.

Rarely has an appointed Senator serving such a short term made such an impact. Senator KAUFMAN wrote legislation to make sure no Wall Street bank is too big to fail and made it easier for Federal prosecutors to root out financial fraud. His ideas on how to crack down on health care fraud are now the law of the land.

He served less than one Congress, but he was no rookie. His knowledge of parliamentary procedure is vast, and he was a great legislative partner to me personally over the last 2 years.

But among the most remarkable things Senator KAUFMAN did in his time here were the 100 tributes he gave on the Senate floor honoring Federal employees of all stripes: military engineers, intelligence analysts, nuclear scientists, Medicare benefits administrators, advocates for the homeless and the sick, and so on everyone from administrative secretaries to assistant Cabinet Secretaries.

Senator KAUFMAN knows that the 2 million selfless public servants who choose to spend their careers in the Federal Government often make personal and financial sacrifices to work in relative anonymity and rarely receive recognition. He knows they often bear an undeserved reputation as part of a vast bureaucracy. But Senator KAUFMAN, a great former Federal employee himself, has both the character and class to publicly honor them for their good, hard, and honest work. He should be recognized for the same.

ROLAND BURRIS came to the Senate under difficult circumstances, but he impressed our caucus by rising above the controversy and concentrating on doing his job for the people of Illinois. He had already built an impressive record in that State, becoming the first African American to ever hold statewide office in Illinois and spending more than three successful decades in the public and private sectors.

During his time here, Senator BURRIS stood up for many progressive causes, including advocating for better civil rights education and writing legislation in support of our servicemembers overseas. He also presided over the Senate Chamber far more than anyone else during the 111th Congress, soaking in every minute of it along the way.

Senator GOODWIN succeeded the irreplaceable Senator Byrd with humility and honor. He was here only briefly, and he didn't waste any time before delivering for West Virginians. In his first day as a U.S. Senator, he cast our caucus crucial 60th vote to break a filibuster and extend unemployment insurance for the millions of Americans who had lost their jobs and exhausted their benefits while looking for new ones. In the aftermath of this year's Big Branch Mine disaster that killed 29 West Virginians, Senator GOODWIN fought for comprehensive mine safety reforms.

In his young career, Senator GOODWIN has worked as a lawyer, as the general counsel to the Governor of West Virginia, the chairman of his State's School Building Authority, and the Independent Commission on Judicial Reform. He will soon be a 36-year-old former Senator, and my colleagues and I eagerly anticipate following the bright career he has ahead of him.

Senators EDWARD KAUFMAN, ROLAND BURRIS, and CARTE GOODWIN represented their respective States with distinction. They will forever hold a special place in American history for the good work they did in the short time they were U.S. Senators.

HISPANIC HERITAGE MONTH

Mr. REID. Mr. President, although September is coming to a close, we are right in the middle of Hispanic Heritage Month. Every fall we recognize how the invaluable contributions America's 47 million Latinos—Americans with roots in dozens of nations—strengthen our own Nation, and the way their rich cultures enrich our country.

It is a special time every year. But this Hispanic Heritage Month is even more exciting than most. This year we are also celebrating the bicentennials of four great nations' independence: Argentina, Chile, Colombia and Mexico. More than 200 million people in these great countries are commemorating 200 years of freedom, liberty and opportunity, and the United States of America celebrates alongside our global neighbors.

It is no secret, though, that the past year's challenges have tested our communities and our resolve closer to home. It has been tougher on Nevada than any other State, and tougher on Hispanics than any other group.

But in the year that has passed between last Hispanic Heritage Month and this one, we have achieved so much:

We affirmed the promise that affording to live a healthy life in America is the right of every citizen—not just a privilege for the wealthy few.

We cleaned up Wall Street so this kind of recession can never happen again, and ended the era of big-bank bailouts. That law also brings transparency to the remittance industry, which saves customers and their families millions of dollars.

We cracked down on mortgage fraud, including funding Spanish-language ads to stop scammers from preying on Latino homebuyers. I directed my staff

to help Hispanic families in danger of foreclosure, and my office has held a number of housing workshops to help Latino homeowners avoid mortgage scams and stay out of foreclosure.

Important credit card reforms went into effect this summer that protect consumers from crippling late fees, protect college students from predatory lenders, and protect families from having to pay a fee to simply pay a bill.

And just a week before last year's Hispanic Heritage Month started, Sonia Sotomayor heard her first case as a Supreme Court Justice.

We're going to make this year even better. Hispanic Heritage Month is as much about the past as it is about the future. It is as much about honoring tradition as it is securing a legacy of honor for the next generation.

I will continue fighting for tough, fair and practical immigration reforms, including giving the children of immigrants the opportunity to serve America—the only nation they have ever called home—and to earn an education and contribute to our society.

I believe that everyone who grows up as an American and wants a quality American education should have the chance to pursue it. And I know our economy will not recover if we don't give everyone the opportunity to repair it.

REMEMBERING JOHN W. KLUGE

Mr. REID. Mr. President, on Tuesday, September 7, 2010, John Kluge passed away at a family home in Charlottesville, VA. He was 95.

Mr. Kluge was a successful businessman who parlayed the money he earned from a Fritos franchise into a multibillion-dollar communications company, Metromedia. This conglomerate grew to include 7 television stations, 14 radio stations, outdoor advertising, the Harlem Globetrotters, the Ice Capades, radio paging and mobile telephones.

Mr. Kluge was born on September 21, 1914, in Chemnitz, Germany. His father died in World War I. After his mother remarried, John was brought to America in 1922 by his German-American stepfather to live in Detroit. He began work at the age of 10, working for his stepfather's family contracting business. At the age of 14, he left home to live in the house of a schoolteacher, driving by his desire to have an education.

He worked hard to learn and speak well the English language and get the grades he needed in high school to win a scholarship to college. He first attended Detroit City College, which was later renamed Wayne State University, and transferred to Columbia University when he was offered a full scholarship and living expenses. He graduated from Columbia in 1937 and went to work for a small paper company in Detroit. Within 3 years he went from shipping clerk to vice president and part owner.

After serving in Army intelligence in World War II, he turned to broadcasting and, with a partner, created the radio station WGAY in Silver Spring, MD, in 1946. In the 1950s he acquired radio stations in St. Louis, Dallas, Fort Worth, Buffalo, Tulsa, Nashville, Pittsburgh and Orlando, FL. Meanwhile, he invested in real estate and expanded the New England Fritos Corporation, which he founded in 1947 to distribute Fritos and Cheetos in the Northeast, adding Fleischmann's yeast, Blue Bonnet margarine and Wrigley's chewing gum to his distribution network.

In 1951 he formed a food brokerage company, expanding it in 1956 in a partnership with David Finkelstein, and augmented his fortune selling the products of companies like General Foods and Coca-Cola to supermarket chains.

Mr. Kluge served on the boards of numerous companies, including Occidental Petroleum, Orion Pictures, Conair and the Waldorf-Astoria Corporation, as well as many charitable groups, including United Cerebral Palsy.

His philanthropy was prodigious. The beneficiaries of his gifts included Columbia University and the University of Virginia.

Mr. Kluge also contributed to the restoration of Ellis Island and in 2000 gave $73 million to the Library of Congress, which established the Kluge Prize for the Study of Humanities.

In his business endeavors, Mr. Kluge savored the chance to move into new areas of high technology and often took Wall Street by surprise with some of his commercial decisions. He never lost his zest for developing new businesses or his taste for complex financial deals. Mr. Kluge once said, ''I love the work because it taxes your mind.''

At the time of his death, Mr. Kluge was deeply involved in a new biological cancer treatment that has a positive effect on multiple organ cancers, with no side effects. He also was engaged in a new treatment for diabetes.

He is survived by his wife Maria, sons John, Jr. and Joseph, a daughter Samantha, a grandson Jack, and stepchildren Jeannette Brophy, Peter Townsend, and Diane Zeier.

EXTENDING UNEMPLOYMENT INSURANCE

Mr. REID. Mr. President, when the earthquake on Wall Street sent shockwaves throughout the country, Nevada got hit the worst. The economic collapse took down our housing and job markets along with it.

When so many Nevadans lost their jobs, they lost much more than just a place to go to work in the morning. They lost their incomes, their savings and their retirement security. Many lost their gas money and their grocery money. Some lost their children's tuition payments. They have lost a measure of dignity. All of this through no fault of their own.

But even after losing so much, they haven't lost hope. Now they wake up every morning and look for new work, a new way to support their families.

It hasn't been easy. Jobs are harder to come by today than at any other time in recent memory. The Labor Department reports there is only one open job in America for every five Americans desperate to fill it. As a result, nearly half of the unemployed in this country have been out of work for 6 months or longer.

One of those people is Scott Headrick of Las Vegas. Scott's been out of work for more than two years. He wrote me recently because he's angry how some on the other side are trying for political reasons to stigmatize and demonize the unemployed.

He has good reason to be upset. One of the top Republicans in the Senate called unemployment assistance a ''disincentive for them to seek new work.'' Another senior Republican Senator said these Americans—people who want nothing more than to find a new job—''don't want to go look for work.'' And a third senior Republican Senator argued, ''We should not be giving cash to people who basically are just going to blow it on drugs.'' That's a direct quote. Others have made the absurd allegation that you can make more money on unemployment than through a honest day's work.

These comments are not only offensive; they're also dead wrong. And that's why Scott was so upset. He wrote me the following:

''I've been unemployed since July 2008 and have not been able to obtain a position at a supermarket packing groceries. I've been religiously seeking, searching and applying for work without any luck. I have since left my family in Las Vegas, a wife and five children, to look for work in other states and again, without any luck.''

While people like Scott seek, search and apply for work, they rely on unemployment insurance to get by. No one gets rich off of unemployment checks. They merely provide a fraction of one's old income to help keep food on the table this week, and keep a roof over a head this month, and keep the heat on this winter.

Unemployment insurance doesn't only help the out-of-work make ends meet—it can also help our economy recover. Respected economist Mark Zandi calculated that every time a dollar goes out in an unemployment check, $1.61 comes back into the economy. The Congressional Budget Office has estimated that number could actually be as high as two dollars, meaning we double our investment.

It is easy to see why. When you are desperate, you don't keep that check under your mattress. You turn around

and spend the money. You immediately pay your bills and go to the store and keep up with your mortgage payments.

You spend it on the basics and the bare necessities while you look for work. The money goes right back into the economy, which strengthens it, fuels growth and ultimately lets businesses create the very jobs the unemployed have been looking for, for so long.

But those benefits don't last forever. They expire. And in a crisis like today's, expiring benefits are leaving too many out in the cold. The Nevada Department of Employment, Training and Rehabilitation said that 22,000 Nevadans have exhausted both their state and federal benefits. Nationwide, that number reaches well into the millions.

I am proud to cosponsor Senator STABENOW's bill to help the hardest hit among us: out-of-work Americans who have exhausted their unemployment insurance. It is called the Americans Want to Work Act, and it is called that for a very good reason.

Contrary to the other side's reckless and heartless spin, the people we are trying to help want to find work. They're trying to find work. And they would much rather get a paycheck than an unemployment check.

These are people who have tried and tried to find work, who scour job listings, who send out résumés, who fill out applications, who go to interviews—but who haven't had any luck for weeks and months and, in some cases, years.

The Americans Want to Work Act recognizes that we can do more to help those who lost their jobs through no fault of their own.

First, it extends unemployment benefits for an additional 20 weeks—the longest extension ever to match the most painful crisis we've seen in generations.

Second, it takes the powerful and successful incentives we're giving businesses to hire and makes them even better. We passed a bill this year—the HIRE Act—that says to businesses: If you hire unemployed workers, we will give you a tax cut—you don't have to pay the Social Security payroll tax this year. These incentives are already working; businesses are starting to hire because of it. Senator STABENOW's bill will extend that tax credit through next year, too.

It will also double the tax credit we're giving businesses for keeping those previously long-term unemployed workers on the payroll for at least one year. The HIRE Act gave businesses a $1,000 tax credit for each such new hire. Senator STABENOW's bill will raise that tax credit to $2,000 for workers who have exhausted their unemployment benefits.

Hundreds of thousands of Nevadans and millions of Americans want to work. Like Scott Headrick, they seek, search and apply, but time and again they hear nothing but ''no'' in return. What a shame it is that they are hearing the same answer from Republicans in the Senate when we propose sound legislation like this to give them a hand when they're hurting the most.

Americans need jobs. Nevadans need jobs. And it is our job to help them.

REMEMBERING SENATOR TED STEVENS

Mr. KYL. Mr. President, I offer my condolences to Catherine Stevens and to the entire family of Senator Ted Stevens and to the families of those who also lost their lives in that tragic August 9 accident.

I knew Ted for many years and will always remember his devotion to the U.S. Senate and, of course, to the State of Alaska. Ted tirelessly committed himself to help transform Alaska into a modern State. Even if he had not become the longest serving Republican Senator in history, with a career spanning over 38 years, ''Uncle Ted'' would still have become an Alaskan legend. He was beloved throughout the State. And his love for his State was well known, from the largest cities to the smallest towns.

Ted devoted his whole life to public service. Before he was elected to Congress, Ted went through pilot training in Douglas, AZ, and earned his Army Air Corps wings in May 1944. For his service in World War II, he received the Air Medal and the Distinguished Flying Cross.

Incidentally, Ted often told me of his appreciation for the time he spent training in Arizona, my home State. He often spoke, too, of the town of Wickenburg, AZ, where his wife is from.

During his time in the Senate, Ted became a master of Senate procedure. Republicans would often ask him to sit in the Presiding Officer's chair during an important vote because we knew he would handle all of the procedural details and intricacies perfectly.

Not only was he a good legislator, he was a tough legislator. Ted was not shy about inviting comparisons with the Incredible Hulk. When he debated an issue that meant a lot to him, he would wear his Incredible Hulk necktie. Indeed, that necktie saw many a political battle.

As much as I admired Ted for his tough side, I will most fondly recall his gentle spirit and his compassion for the people he was so proud to represent. His soft side and kind nature were so apparent I sometimes wondered how much of his feistier side was for effect.

It was an honor to have known him and a privilege to have served alongside him here in the Senate.

Mr. GRAHAM. Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated public servant and leader, Senator Ted Stevens. After a lifetime of unprecedented service to his State and Nation, Senator Stevens passed away in Alaska on August 9, 2010, at the age of 86. His death was a loss to the U.S. Senate, the State of Alaska, and the Nation.

A decorated World War II pilot who survived a deadly 1978 plane crash, Senator Stevens was the longest-serving Republican Senator in the Nation's history and Alaska's most beloved political figure. Known as a giant in the Senate and affectionately referred to as ''Uncle Ted'' by his constituents, Stevens helped usher Alaska into statehood in 1959 and was instrumental in its economic growth. He was first and foremost a devoted advocate of Alaska and its people.

Born in Indianapolis, IN, Senator Stevens attended Oregon State University before serving as an Air Force pilot in World War II. He went on to graduate from the University of California Los Angeles—UCLA—with a bachelor of arts degree in political science, and from Harvard University with a juris doctor degree in law. After a successful career as a member of the Alaska House of Representatives, Stevens was appointed to the U.S. Senate, making him the third Senator in the State's history.

Senator Stevens is greatly admired for what he did during his four decades of service in the U.S. Senate. I had the pleasure of seeing the Senator in action on many occasions and particularly admired his deep commitment to working across the aisle to get things done. Senator Stevens was one of the Senate's most effective Members, both as a valuable ally and worthy opponent. Stevens' colleagues, both Republicans and Democrats alike, greatly enjoyed working with him and respected his views. We can all learn from the example he set.

I ask that the U.S. Senate join me in commemorating Senator Ted Stevens' lifelong dedication to the service of our country and to the State of Alaska. He was a courageous advocate for his State, and a dear friend who will be greatly missed by all.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the seventh budget scorekeeping report for the 2010 budget resolution. The report, which covers fiscal year 2010, was prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The report shows the effects of congressional action through September 24, 2010, and includes the effects of legislation enacted since I filed my last report for fiscal year 2010 in June. The new legislation includes:

Public Law 111–191, an act to amend the Oil Pollution Act of 1990 to authorize advances from the Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill;

Public Law 111–192, Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010;

Public Law 111–197, Airport and Airway Extension Act of 2010, Part II;

Public Law 111–198, Homebuyer Assistance and Improvement Act of 2010;

Public Law 111–205, Unemployment Compensation Extension Act of 2010;

Public Law 111–212, Supplemental Appropriations Act, 2010;

Public Law 111–224, United States Patent and Trademark Office Supplemental Appropriations Act, 2010;

Public Law 111–226, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes;

Public Law 111–228, General and Special Risk Insurance Funds Availability Act of 2010;

Public Law 111–230, an act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; and

Public Law 111–237, Firearms Excise Tax Improvement Act of 2010.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

The estimates show that for fiscal year 2010 current level spending is above the levels provided in the budget resolution by $17.1 billion for budget authority and $5.4 billion above for outlays. For revenues, current level shows that $14.2 billion in room remains relative to the budget resolution level.

I ask unanimous consent that the letter and accompanying tables from CBO be printed in the RECORD.

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

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, September 29, 2010.

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

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through September 24, 2010. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter, dated June 10, 2010, the Congress has cleared and President has signed the following acts which affect budget authority, outlays, or revenues for fiscal year 2010:

An act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust fund for the Deepwater Horizon oil spill (Public Law 111–191);

Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 (Public Law 111–192);

Airport and Airway Extension Act of 2010, Part II (Public Law 111–197);

Homebuyer Assistance and Improvement Act of 2010 (Public Law 111–198);

Unemployment Compensation Extension Act of 2010 (Public Law 111–205);

Supplemental Appropriations Act, 2010 (Public Law 111–212);

United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111–224);

An act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes (Public Law 111–226);

General and Special Risk Insurance Funds Availability Act of 2010 (Public Law 111–228);

An act to increase the flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single housing mortgage insurance, and for other purposes (Public Law 111–229);

An act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes (Public Law 111–230); and

Firearms Excise Tax Improvement Act of 2010 (Public Law 111–237).

Sincerely,

ROBERT A. SUNSHINE,
FOR DOUGLAS W. ELMENDORF,
Director.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF SEPTEMBER 24, 2010

[In billions of dollars]

	Budget Resolution [1]	Current level [2]	Current level over/under (−) resolution
ON-BUDGET			
Budget authority	2,897.5	2,914.6	17.1
Outlays	3,010.1	3,015.5	5.4
Revenues	1,612.3	1,626.5	14.2
OFF-BUDGET			
Social Security Outlays [3]	544.1	544.1	0.0
Social Security Revenues	668.2	668.1	−0.1

[1] S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes $10.4 billion in budget authority and $5.4 billion in outlays as an allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts.

[2] Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of Table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

SOURCE: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF SEPTEMBER 24, 2010

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted: [1]			
Revenues	n.a.	n.a.	1,633,385
Permanents and other spending legislation	1,656,952	1,651,725	n.a.
Appropriation legislation [2]	1,917,749	2,048,775	n.a.
Offsetting receipts	−690,252	−690.252	n.a.
Total, previously enacted	2,884,449	3,010,248	1,633,385
Enacted this session:			
An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti (P.L. 111–126)	0	0	−40
Emergency Aid to American Survivors of the Haiti Earthquake Act (P.L. 111–127)	50	50	0
Social Security Disability Applicants' Access to Professional Representation Act of 2010 (P.L. 111–142)	−4	−4	0
United States Capitol Police Administrative Technical Corrections Act of 2009 (P.L. 111–145)	10	6	0
Hiring Incentives to Restore Employment Act (P.L. 111–147)	20,903	141	−4,380
Patient Protection and Affordable Care Act (P.L. 111–148)	8,500	2,130	−580
Satellite Television Extension Act of 2010 (P.L. 111–151)	2	0	2
Health Care and Education Reconciliation Act of 2010 (P.L. 111–152)	1,130	220	−1,930
An act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill (P.L. 111–191)	200	50	0
Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 (P.L. 111–192)	−450	−450	119
Airport and Airway Extension Act of 2010, Part II (P.L. 111–197)	−485	0	0
Homebuyer Assistance and Improvement Act of 2010 (P.L. 111–198)	−10	−6	−25
Supplemental Appropriations Act, 2010 (P.L. 111–212)	9,874	−18	0
United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (P.L. 111–224)	0	−29	0
An act to modernize the air traffic control system . . . and for otherpurposes (P.L. 111–226)	5,187	298	0
General and Special Risk Insurance Funds Availability Act of 2010 (P.L. 111–228)	−94	−94	0
An act to increase the flexibility of the Secretary of Housing and Urban Development and for other purposes (P.L. 111–229)	−75	−75	0
An act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes (P.L. 111–230)	−100	0	0
Firearms Excise Tax Improvement Act of 2010 (P.L. 111–237)	0	0	−82
Total, enacted this session	44,638	3,219	−6,916
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and mandatory programs	−14,500	2,066,	0
Total Current Level [2 3]	2,914,587	3,015,533	1,626,469
Total Budget Resolution [4]	2,907,837	3,015,541	1,612,278
Adjustment to the budget resolution for disaster allowance [5]	−10,350	−5,448	n.a.
Adjusted Budget Resolution	2,897,487	3,010,093	1,612,278
Current Level Over Budget Resolution	17,100	5,440	14,191
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

[1] Includes legislation affecting budget authority, outlays, or revenues that was enacted in the first session of the 111th Congress.

[2] Pursuant to section 403 of S. Con. Res. 13, provisions designated as amergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resoluton. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

	Budget authority	Outlays	Revenues
Previously Enacted (see footnote 1)	12,042,	21,040	−4,475
Temporary Extension Act of 2010 (P.L. 111–144)	7,942	7,901	−704
Continuing Extension Act of 2010 (P.L. 111–157)	14,401	14,337	,−1,292
Unemployment Compensation Extension Act of 2010 (P.L. 111–205)	8,545	8,545	0
Supplemental Appropriations Act, 2010 (P.L. 111–212)	45,615	5,419	0
An act to modernize the air traffic control system . . . and for other purposes (P.L. 111–226)	−2,604	−17	0
An act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes (P.L. 111–230)	600	0	0
Total, amounts designated as emergency requirements	86,541	57,225	−6,471

[3] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.
[4] Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution. Those revisions are as follows:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals	2,888,	3,001,311	1,653,682
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4))	5	2,004	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	0	0	40
For the Congressional Budget Office's reestimate of the President's request for discretionary appropriations (section 401(c)(5))	3,766	2,355	0
For further revisions to a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	10	13	6
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	6	−1,175	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303)	32	36	0
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	−11	−11	0
For an amendment in the nature of substitute to H.R. 3548, the Unemployment Compensation Extension Act of 2009 (sections 306(f) and 306(6))	5,708	5,708	−38,940
For the Patient Protection and Affordable Care Act of 2009 (section 301(a))	12,500	11,500	9,100
For the Department of Defense Appropriations Act, 2010 (section 401(c)(4))	0	1,950	0
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a))	−5,220	−6,670	−9,630
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a))	−7,280	−4,830	530
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a))	8,500	3,130	−580
For the Health Care and Education Reconciliation Act of 2010 (section 301(a))	1,130	220	−1,930
Revised Budget Resolution Totals	2,907,837	3,015,541	1,612,278

[5] S. Con. Res. 13 includes $10,350 million in budget authority and $5,448 million in outlays as an allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the discretion of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts.

RECOGNIZING HELMETS TO HARDHATS PROGRAM

Mr. CONRAD. Mr. President, today I want to recognize and thank the Helmets to Hardhats program for its important work on behalf of our Nation's veterans.

In these tough economic times, unemployment among recent veterans is a growing concern. Recent statistics indicate that the jobless rate among Iraq and Afghanistan veterans tracks a full five points higher than the rate for the Nation as a whole. It is clear that we must take serious steps to address this issue.

The Helmets to Hardhats program has helped tens of thousands of veterans find work in the construction industry by evaluating recently separated servicemembers to identify their strengths and experience and match them with employers within the construction industry. The long-term partnerships that result benefit veterans, construction firms, and the Nation as a whole.

In times of crisis, it is our best and bravest that step forward in defense of our Nation. We owe our servicemembers a debt of gratitude for their sacrifice that we can never fully repay. The least that a grateful nation can do is to give them assistance in finding good jobs when they return from service.

Though the Departments of Defense and Veterans Affairs do excellent work with their transition programs, organizations like Helmets to Hardhats serve as the ''boots on the ground'' forces needed to help our veterans realize the American dream. I thank all of those involved in this important organization for their work across the country, and look forward to partnering with them to help veterans in North Dakota.

ECONOMIC RECOVERY

Mr. REED. Mr. President, yesterday we were again thwarted in our attempts to take another important step in supporting our Nation's economic recovery.

in 2009, we passed the American Recovery and Reinvestment Act, which provided a much needed jump-start to get our economy going again, save and create jobs, and make critical investments in our infrastructure.

In March of this year, we passed the HIRE Act, which has been providing businesses with tax incentives to hire out-of-work Americans.

Just Monday, President Obama signed the Small Business Jobs Act into law, which will provide support and relief to small businesses and lay the groundwork to help these businesses create up to 500,000 jobs.

Yesterday, Republicans blocked consideration of the Creating American Jobs and Ending Offshoring Act, which would have supported our Nation's manufacturing sector by encouraging American companies to bring jobs back to America. Even though we have been witnessing a growth in private sector jobs, we are still struggling to prevent the loss of good jobs.

The Creating American Jobs and Ending Offshoring Act would provide a tax break to companies that bring jobs back to the United States, in the form of relief from the employer share of the Social Security payroll tax.

Additionally, this legislation would discourage firms from eliminating American jobs and moving facilities offshore by prohibiting firms from taking any deduction, loss, or credit for amounts paid to reduce operations in the United States and start or expand similar operations overseas.

It would also end the Federal tax subsidy—known as deferral that rewards firms that move their production overseas by allowing them to defer paying tax on income earned by their foreign subsidiaries until that income is brought back to the United States.

The Creating American Jobs and Ending Offshoring Act would encourage American companies to get back in the business of hiring American workers. Nonfinancial companies in the United States are reportedly sitting on $1.8 trillion of capital. With these reserves, it should not be prohibitive to bring new American workers on the payroll. This legislation would ensure that these companies are using their resources to create new American jobs instead of sending those jobs overseas.

I am disappointed that my colleagues on the other side of the aisle failed to join with us to support this commonsense legislation, which would provide desperately needed jobs to out-of-work Americans and support America's manufacturing sector. Instead, they have voted to preserve tax breaks that reward companies who ship jobs overseas.

I am also disappointed that we have failed to extend the TANF Emergency Contingency Fund, which is set to expire on Thursday. I joined with a number of my colleagues to introduce and press for legislation to extend the fund for 3 months.

The TANF Emergency Contingency Fund has been used to support the successful Jobs Now program in Rhode Island, which has provided local businesses with subsidies to hire workers from struggling families. In addition to providing jobs to out-of-work Americans, this program is a win for businesses that could not otherwise bring new workers on board. Without this fund, these businesses will be hard-pressed to keep these new employees on the payroll. Unfortunately, in outcome that has become all too common, this extension was subject to an objection from the other side of the aisle.

I hope my colleagues on the other side of the aisle will recognize what is at stake and join us in the effort to give American workers and businesses the help they need. I remain committed to pressing for innovative and commonsense efforts that will bolster the economy, create jobs, and help the middle class.

EDUCATION JOBS AND MEDICAID FUNDING

Mr. BAUCUS. Mr. President, I want colleagues and those who read the RECORD to know that the nonpartisan Joint Committee on Taxation has made available to the public the document entitled ''Technical Explanation of the Revenue Provisions of the Senate Amendment to the House Amendment to the Senate Amendment to H.R. 1586, Scheduled for Consideration by the House of Representatives on August 10, 2010.'' This document is an explanation of the education jobs and Medicaid funding bill that the Senate passed last month. This explanation reflects the intentions of the Senate and its understanding of the legislative text. It is available on the Joint Committee's Web site at http://www.jct.gov/publications.html?
func=startdown&id=3702 and is listed as document number JCX–46–10.

In addition, I would like to comment on the Secretary's grant of authority to issue regulations in section 211 of the legislation, which adds new section 909 to the Internal Revenue Code of 1986. I note that this grant of authority allows the Secretary to provide exceptions, as appropriate, from the application of the provision to certain foreign tax credit splitting events resulting from foreign consolidation regimes, group relief, or similar loss-sharing arrangements.

DEFENSE MODERNIZATION

Mr. INHOFE. Mr. President, I read an article from the October 2010 edition of the Defense Technology International this morning that discussed military and other technology advances. Entitled ''Big Guns: China muscles up artillery punch,'' this article details China's efforts in the development of artillery and rocket systems and the associated doctrine they have created. Specifically, it addresses Chinese efforts in research and development in areas such as computer-based fire control, digital communication, and command capabilities, use of sophisticated radars and jammers, and the development of ramjet powered and stealth coated artillery shells, to name a few key areas. Though not necessarily new items of research and development for the United States, China's efforts in these areas tells me one thing: China is pursuing modernization and development initiatives that, based on our recent history of research and development specific to artillery and rockets, may be superior if they are not at least equal to our efforts

Now let me shift same gears to another potential peer country: Russia and its fifth-generation fighter development. In the same context as China's efforts in artillery and rocket capability, Russia is pursuing the deployment of a fifth-generation fighter, known as the PAK FA advanced tactical frontline fighter. Russia has publicly stated that this aircraft is the peer to the F–22. This aircraft, together with upgraded fourth-generation fighters, will define Russian Air Force potential for the next several decades and will challenge our aviation efforts without question. And don't think that China isn't developing their own fifth-generation aircraft; they are. It is called the JA-12 it is also going to go head to head with our F–22.

The point to this is not a comparison of capabilities or numbers but a public reinforcement of an assessment I have maintained for a long time. We, the United States of America, are not taking our future national security seriously, because we are failing to focus on maintaining the edge that we have had for the last several decades.

So where is the United States in terms of future military hardware necessary to maintain that edge? Did you know that the oldest combat vehicle in the Army inventory is the M109A6 Paladin howitzer and we are on the sixth version of this vehicle which is built around a refurbished chassis circa 1963? The Army's answer to artillery modernization has been the Crusader, which was supposed to replace the Paladin, the Non-Line-of-Sight Cannon as part of FCS, the Non-Line-of-Sight Launch System, another FCS related system, and now the Paladin Integrated Management, or PIM program, which is a modification of the Paladin to a Bradley chassis. All but the PIM program have been cancelled in the last 8 years or so, and the PIM program has been delayed in production.

Current Army fleets of armored personnel carriers, tanks, wheeled vehicles, and helicopters were developed and procured 30 to 60 years ago. DOD and the President's answer to that: cancel FCS, with no viable replacement options, and continue to ''upgrade'' current fleets of Bradleys an Abrams tanks until the next-generation ground combat vehicle can be figured out.

Our strategic bomber fleet of B–52s, B–1s and B–2s vary in age from 10 to 30 years. The SECDEF has publicly stated in the press and in Congress that 2020 will be the first time we see a new bomber, which means that current airframes will have to remain in service until at least 2040.

One of our two fifth-generation aircraft, the F–22, the peer to the Russian's PAK FA and Chinese JA–12, has had the production line cancelled with only 187 aircraft built out of a requested 750, pulling us in a ''high risk'' state for air dominance. The other fifth-generation aircraft, the F–35, will not be ready until at least 2015, has suffered significant cost and timing problems, and will be 250 aircraft less than the requested 1,240.

Our Ohio class Trident submarines, the ones that deliver ballistic missiles from the sea, are an average of 20 years old. Replacement builds don't start till 2019 and won't be finished until 2028. As well, the administration remains opaque about plans for replacement of the 30-year-old air-launched cruise missile which is a critical component of our nuclear and long-range conventional strike capability. This is the same for our Minuteman ICBM, which is decades old as well.

I am convinced well beyond any reasonable doubt that we are heading down a slippery slope due to a short-sighted and dangerous strategy from our current administration. The litany of programs cancelled, modified, or mismanaged over the last two budget periods is minf-boggling—FCS, F–22, F-35, NLOS–C and LS, PIM, missile defense, nuclear stockpile, surface and submarine ships, strategic bombers—the list is overwhelming.

I, for one, will not let this happen. I will continue to voice my concerns over this issue. I will continue to fight for a flat expenditure of at least 4 percent of GDP spent on defense to ensure that this country continues to have the best military in the world. I will continue to press the administration to do more for the future of our national security.

I ask unanimous consent to have printed in the RECORD the article ''Big Guns'' to which I referred.

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

[From the Defense Technology International, Oct. 2010]

BIG GUNS—CHINA MUSCLES UP ARTILLARY PUNCH

(By Richard D. Fisher, Jr.)

The International Institute for Strategic Studies' Military Balance 2010 report places China third in the number of artillery systems it fields, after Russia and North Korea. But China doubtless exceeds both in resource commitment and breadth of artillery investments. Credited with an estimated 17,700–plus towed, self-propelled and rocket systems, the People's Liberation Army (PLA) has at least 56 artillery systems in use, development or available for export. The U.S. Army and Marine Corps, by contrast, have 8,187-plus artillery pieces of roughly 10 types.

China has had a mixed record of using artillery for military and political-military goals. Its successes as when it routed Indian forces in 1962 with the high-altitude use of artillery and mortars, have been offset by incidents provoking third-party responses or leading to regional standoffs. Examples include the shelling of islands controlled by Taiwan in 1955–58, resulting in U.S. intervention and a stalemate over the Taiwan Strait. In July, a unit based in the Nanjing military region fired missiles from 300–mm. PHL–03 multiple rocket launchers (MRLs) into the Yellow Sea to show China's anger at U.S. naval exercises with South Korea. The exercises, a result of China-backed North Korea's sinking of the South Korean frigate Cheonon in March, went ahead anyway.

China evolution as an artillery power stems from Soviet and Russian influences dating to the Korean War Soviet artillery and training improved PLA artillery operations during the war and led to the formation of the first formal artillery command. Soviet aid continued through the 1950s, and by the time of the Sin-Soviet split of the 1960s, China was producing copies or modified versions of Soviet pieces.

The PLA makes extensive use of Soviet-origin 152-, 130- and 122-mm. calibers, though Western calibers such as the 155- and 105-mm. are seeing greater use. China purchased the Russian 9A52 Smerch 300-mm. MRL in the 1990s, and the PLA produced a near facsimile in the A–100/PHL-03 MRL. The 155-mm. PLZ-05 self-propelled artillery system that emerged in 2005 bears an uncanny resemblance to the Russian 2519 MSTA.

In the 1990s, PLA artillery was affected by reforms in strategy (its closest concept to doctrine) and organization. Toward the end of the decade, the PLA was immersed in strategy goals of ''informatization'' and ''mechanization.'' The former included the broad application of improving information technologies, which for artillery included new computer-based fire controls and ever-improving digital communication and command linkages. PLA artillery units increasingly include flrefinding counter-battery radar such as the 50-km.-range (31-mi.) SLC-2 and Type 704, and use sophisticated electronic warfare systems such as the Russian SPR–2 radio fuse jammer, a possible Chinese facsimile and possibly a recently revealed artillery radar jammer. Artillery recon vehicles and recon troops feature advanced optronic and digital communication capabilities. In addition, PLA artillery units have sophisticated meteorological capabilities and use muzzle velocity radar to improve accuracy.

Mechanization put renewed emphasis on developing tracked and wheeled self-propelled tubed artillery, with rocket artillery largely truck-mounted. This trend was emphasized in late 2004 when Chinese Communist Party and PLA leader Hu Jintao enunciated the PLAs new ''historic missions,'' a euphemism for invasions, which call on the PLA to defend state interests abroad. It is likely that new medium-weight artillery systems based on airmobile armored personnel carriers will follow for these strategic missions.

Organic PLA artillery units have decreased in size, following the pattern of general large-scale troop reductions. When combined with ''informatization'' advances, this will permit many infantry and armored divisions to be reformed into mechanized brigades. However, in a counter-trend that emphasizes their continued importance, the PLA maintains five independent artillery divisions and 20 independent brigades. Of these, two divisions and six brigades are stationed in the Shenyang and Beijing military regions, for potential Korean contingencies. Three divisions and eight brigades are in the Nanjing Guangzhou and Jinan military regions, for Taiwan contingencies.

Among artillery systems, mortars include a 60-mm. hand-held system used by infantry and special forces. The new Type 93 60-mm. fixed mortar weighs 22.4 kg. (49.2 lb.) and fires 20 rounds/min. to 5.5 km. There are also fixed W91 and W87 81–mm. mortars that fire to 8 km. and 5.6 km., respectively. The PLA has largely copied Russia's Vasilyek 81–mm. automatic mortar, called the W99 or SM–4, which comes in a towed version or mounted in a Hummer-like vehicle. It fires four rounds in 2 sec. out to 6.2 km. The W86 120–mm. towed mortar weighs 206 kg. and fires 20 rounds/min. to 4.7 km.

In 2001, the PLA revealed the PLL-05 mobile mortar based on the Russian 120-mm. 2S23 NONA-SVK that it purchased in the 1990s, but mounted on a WZ-551 6 X 6 armored personnel carrier (APC). It fires a rocket-assisted round 13.5 km. In 2007, the PLA revealed a laser-guided 120-mm. mortar round, though it is not clear if it is in service.

Towed and self-propelled tubed systems dominate artillery units. The largest number of towed guns are likely the 122-mm. versions. These include the Type-96, based on the Russian D-30, with a 360-deg. traversing base, and the simpler Type-83. Their rocket-assisted rounds have a 27-km. range. The Type-59 130-mm. towed gun fires a rocket-assisted round 44 km. Of heavy towed artillery, the 152-mm. Type-66, a copy of the Russian D-20, is most numerous and fires rocket-assisted rounds 28 km. In 1999, the PLA revealed the 155-mm. PLL01/WA 021 towed artillery system, based on the Austrian Noricum GH N-45, which fires a rocket-assisted round 50 km. The PLL01 and the Type-66 fire 155- and 152-mm. versions of the Russian Krasnopol laser-guided shell.

Self-propelled tubed artillery includes the PLL02, which places the Type-86 100-mm. gun on a WZ-551 APC. In 2009, the PLA revealed the new Type-07 122-mm. tracked artillery system, which features hull and electronic improvements over the previous Type-89 Tracked 122-mm. system. In 2009, photographs appeared on the Internet of the SH-3, a truck-mounted 122-mm. artillery system with digital control systems in a hatch over the cab.

Heavy self-propelled systems include the 155-mm. PLZ-05, which has a version of the PLL01 gun, and appeared in 2005. It is replacing the 152-mm. Type-83, which entered service in 1983. The PLZ-05 also fires the Krasnopol laser-guided projectile and a rocket-assisted round 50 km., and is capable of flat-trajectory antitank fire. Unconfirmed reports state the PLZ-05 has an automatic gun-loading system and weighs 35 tons.

PLA investments in rocket artillery are impressive. A five-wheel all-terrain vehicle has been modified to carry a 107-mm. MRL for experimental mechanized special forces units. The tracked Type-89 and more recent Type-90 truck-mounted 122-mm. MRL feature self-contained 40-round rocket reloaders. In addition, the Smerch-derived 12-round PHL-03, which reportedly fires a 150-km.-range missile, is entering increasing numbers of artillery units. The latest AR1A export variant features a modular U.S. MLR system-style 5-round rocket carrier, which speeds reloading. In 2009, Norinco revealed an as yet unidentified truck carrier for this 5-round rocket box, similar to Lockheed Martin's High-Mobility Artillery Rocket System.

The PLA is also investing in larger MRL systems. The 400-mm. WS-2D reportedly has a range of 400 km., and one payload features three ''killer unmanned aerial vehicles,'' according to a Chinese report. An earlier 200-km.-range version, the WS-3, uses navigation satellite guidance to achieve a remarkable 50-meter (164-ft.) circular error probable. The WS family complements the 150-km.-range P-12 and 250-km. B-611M maneuverable navsat-guided short-range ballistic missiles (SRBMs), which could supplement or replace the PLA's two brigades of 300–600-km. DF-11A SRBMs.

New artillery systems are entering amphibious and airborne units for possible missions abroad. PLA marine and army amphibious units are receiving the Type-07B tracked 122-mm. amphibious artillery system, which places the gun from the Type-07 on a larger hull. Airborne units are equipped with a version of the Type-96 122-mm. gun, but a new tracked airmobile APC may feature a mortar or gun system. The ZBD-09 122-mm. gun system could eventually feature in airmobile army units. Future artillery systems may feature electromagnetic launch, an area of extensive research. The PLA is also interested in ramjet-powered and stealth-coated artillery shells.

SUDAN

Mr. KERRY. Mr. President, in just over 100 days, Sudan will face a defining moment. The choices its leaders make can lead to a peaceful two-state solution. Or, as many fear, they could result in a return to chaos and war in a place too often synonymous with both.

Responding to this urgency, the Obama administration has recently launched a heightened campaign of diplomatic engagement with both North and South Sudan to help the parties to find their way through this process. I traveled to Sudan in April 2009 and I have met with Sudanese from all parts of the country since that time, including Salva Kiir, the leader of Southern Sudan, last week. Today, joined by Senators BROWNBACK, DURBIN, WICKER and FEINGOLD, I am introducing legislation known as the Sudan Peace and Stability Act. Congress must not be silent at this critical time.

On January 9, 2011, the people of Southern Sudan and the adjoining territory of Abyei are scheduled to hold referenda on secession. Realistically, Sudan's choice is no longer between unity and separation—southerners have apparently made that decision. Every reliable source indicates that they will vote for separation, dividing Africa's largest country and taking with them some eighty percent of known Sudanese oil reserves. The Secretary of State has called a vote for separation inevitable. No, the choice before the peoples of Sudan is that between a future of peaceful coexistence or a return to the country's bloody past.

The Sudanese, both North and South, set out on this path when they signed the 2005 Comprehensive Peace Agreement. The CPA brought to a close a war that had raged for two decades and claimed millions of lives. And it offered Southern Sudan the promise of a choice in 2011 between continuing unity and separation from the Sudanese government in Khartoum.

The landmark agreement ended the war, but it intentionally postponed the

tough decisions about the modalities and meaning of 2011. In theory, the six intervening years were intended to solidify connections between former enemies. But not enough was done to build those ties, and the death of South Sudan's most forceful voice for unity, Dr. John Garang, further diminished unity's prospects. For champions of separation, the time period meant a deferral of their dream of independence that has now come due. But this intervening period has also served one crucial purpose: It has demonstrated that North and South can live side by side in peace.

With January fast approaching and progress scant on the mechanisms for division, the two sides are almost out of time to craft a peaceful transition. To fulfill the full promise of the landmark 2005 peace agreement, they must negotiate terms of separation and prepare for a future in which they remain fundamentally connected.

Southern Sudan possesses most of the known petroleum reserves, but the pipelines to market for that oil run through the north. An estimated million and a half southerners displaced by the war live in Khartoum and may well remain there, and northerners will live in the South. Every dry season, herders from the north's Arab Misseriya tribes cross into what will likely become the country of Southern Sudan and then return. The Nile will continue to flow northward, irrespective of borders and politics. Boundaries must simultaneously be demarcated and accommodating. And the parties need to finalize the details fast enough to ensure that violence cannot fill the vacuum.

The last war between North and South lasted for decades and claimed millions of lives. And, earlier this year, then Director of National Intelligence Dennis Blair told Congress that, over the next five years, Southern Sudan is the place where ''a new mass killing or genocide is most likely to occur.''

America acted as one of the architects of the CPA in 2005, and has a moral obligation as well as a strategic interest in helping the parties to see it through. The Sudanese must make the decisions, but we—and others—can help them navigate this process. Failure to act now—whether by high level diplomatic engagement, scenario planning for a variety of potential outcomes, and pre-positioning humanitarian supplies in the region—may contribute to a larger crisis later.

While we try to prevent the next potential wave of genocide, we cannot ignore the fact that Darfur's tragedy remains unresolved. Even as America asks how it can help Southern Sudan prepare for the likely burdens of statehood, it must also consider the Sudan that remains and Darfur's need for peace, stability, and justice. Attention to Darfur must not be a casualty of our necessary fixation on the North-South crisis.

The goals of the legislation are:

1. To spell out clearly the objectives of U.S. policy and the bilateral and multilateral tools available to pursue them;

2. To emphasize the need for all parties to commit to see the CPA through the January referenda and beyond;

3. To underscore the importance of Darfur and to provide policy guidance on both the peace process and the humanitarian situation;

4. To lay the legal groundwork, spur the humanitarian planning, and shape the policy framework in the likelihood of secession; and

5. To strengthen both capacity building and accountability.

Our bill offers a number of specific prescriptions, including the designation of a senior official to work with the Special Envoy to Sudan by heading up the U.S. team in the Darfur peace process, much as Ambassador Princeton Lyman is currently doing in Juba in the South. The legislation also seeks to strengthen multilateral efforts to build capacity in the South and aid implementation of the CPA.

In approaching Sudan we are rightly concentrating for the moment on the things that the parties must do between now and January 9, 2011, from registering voters for the referenda to coming to terms on major issues such as citizenship, oil, debts, and the border territory of Abyei. But we must also look beyond January as well. Much has to be done between January and July 2011, when, under the terms of the CPA, Southern Sudan and Abyei are to become independent if that is the outcome of the referenda. But even more importantly, we have to think beyond that milestone, to what independence will mean for a new and fragile country in the south and a significantly changed country in the north, including for Darfur.

The United States helped to bring about the Comprehensive Peace Agreement. We have led the world in providing humanitarian assistance and in supporting the peacekeeping mission in Darfur. While the Sudanese must own their future, the United States can help the parties find a path forward to peace and stability.

EPA OVERSIGHT

Mr. INHOFE. Mr. President, I would like to take a few minutes today to speak about the importance of oversight.

As you may recall, on April 22, 2010, EPA's new lead-based paint, the lead, renovation, repair and painting rule, went into effect. At that time, offices on the Hill were inundated with intense public outcry from constituents—from homeowners to contractors to landlords to plumbers—all trying to get more information about a rule that, in most cases, they had just learned about. People were confused about the implications of the rule.

This rule affects anyone who owns or lives in a home built before 1978 and looking to do a renovation. Specifically, the rule requires that renovations in these homes that disturb more than six square feet must be supervised by a certified renovator and conducted by a certified renovation firm. In order to become certified, contractors must submit an application—with a fee—to EPA, and complete a training course for instruction on lead-safe work practices. Those who violate the rule could face a fine of $37,500 a day.

In my role as ranking member of the Environment and Public Works Committee, prior to implementation, I sent several letters to EPA expressing concern with the rate of training. I wrote on two separate occasions warning EPA that it seemed badly unprepared to properly implement the rule. In both cases, EPA said they were ready.

In a June 3, 2009 letter responding to my concerns, EPA wrote:

> I agree that both EPA and the regulated community have a great deal of preparation in front of us as we approach next April's deadline. I am confident, however, that the ten months between now and April 2010 will allow us to meet this deadline....We are confident that all renovators subject to the requirements of the rule will be able to find a provider in advance of our deadline.

In a letter dated December 1, 2009, EPA wrote:

> we are confident there will be enough training providers to meet the demand. EPA does not plan to revise the April 2010 effective date of the RRP rule....Currently, the capacity for training is in excess of the demand as several training courses have been cancelled for lack of attendance.

On implementation day, April 22, 2010, EPA had only accredited 204 training providers who had conducted just over 6,900 courses, training an estimated 160,000 people in the construction and remodeling industries to use lead-safe work practices. That number fell far short of the total number of remodelers who would be working on pre-1978 homes.

Let me say it again: on implementation day, EPA had only trained an estimated 160,000 people in the construction and remodeling industries to use lead-safe work practices.

I suspected that there wouldn't be enough contractors to even meet EPA's estimate of certifying 186,811 renovators by April 2010. So I sent a bipartisan letter to OMB requesting that they delay implementation of the rule until there was enough time for more people to be certified. Additionally, I spoke to Cass Sunstein, Administrator of the Office of Information and Regulatory Affairs at OMB, and was joined by some of my Oklahoma contractors, who relayed the difficulties they were facing. I appreciate Mr. Sunstein listening to the concerns of my Oklahoma constituents. He told us he recognized the economic impact of the implementation of the rule and explored ways to provide a 60-day delay, but, by April 23, we simply ran out of options.

The rule was in place, there were not enough renovators, and EPA argued that a delay in the rule would delay

protection for children and their families. But because the Federal Government failed to meet the demand for certified contractors, the Federal Government was already delaying the implementation of the rule.

I was proud that the Senate intervened to send a clear message to EPA. The Senate passed the Collins-Inhofe amendment, S. 4253, to the supplemental appropriations bill, H.R. 4899, by a vote of 60 to 37.

This amendment prevented supplemental funds from being used to implement the rule. The vote showed overwhelming bipartisan concern about EPA's disastrous implementation of the lead-based paint rule.

Fortunately, EPA got the message. On June 18, 2010, EPA's enforcement office issued a memorandum extending the lead rule deadline for renovators to enroll in training classes to September 30, 2010. Furthermore, it has extended the deadline for contractors to complete training to December 31, 2010, and most importantly, the agency agreed to work to provide additional trainers in areas of need.

EPA's concerns about extending additional time for renovators to become certified never materialized; in fact, instead of people continuing to delay signing up for classes, people flocked to them. EPA's most recent training numbers show that as of September 23, 2010, EPA has accredited 364 training providers who have conducted more than 21,400 courses, training an estimated 476,700 people in the construction and remodeling industries to use lead-safe work practices.

From just 160,000 people in April, to 476,700 people in September, more time has meant greater ability to take classes and come into compliance.

The delay has allowed another 160 training providers to be certified; an additional 14,500 courses to be held; and 316,700 people to receive training in lead safe work practices.

Unfortunately, we did not have one oversight hearing on this rule. There were numerous opportunities prior to the rule going final, but they were never taken. Nonetheless, I am pleased to have worked with Senators COLLINS, ALEXANDER, VITTER, COBURN and others to highlight this important issue and provide additional time for renovators to attend training classes.

LAW ENFORCEMENT OFFICERS SAFETY ACT IMPROVEMENTS ACT OF 2010

Mr. LEAHY. Mr. President, today, the House of Representatives passed the Law Enforcement Officers Safety Act Improvements Act of 2010, which passed the Senate unanimously in May. I applaud the leadership of the House for taking up this legislation, which is of great importance to the law enforcement community. Today's action brings to a successful conclusion the good work of Senators and Representatives who have helped move this legislation through both Chambers and builds upon the bipartisan Law Enforcement Officers Safety Act that was enacted in 2004.

I want to recognize the longstanding efforts and strong support of the Fraternal Order of Police, the Federal Law Enforcement Officers Association, and the National Association of Police Organizations, along with many others in the broader law enforcement community. Their support and assistance contributed greatly to today's success. I also thank the Judiciary Committee's ranking member Senator SESSIONS, Senator KYL, and Senator CONRAD for their cosponsorship.

This legislation will assist qualified Federal, State, and local law enforcement officers in exercising their privileges related to the interstate concealed carry of firearms under existing law more easily and efficiently. The legislation will give active-duty officers and qualified retired officers more flexibility in obtaining the necessary credentials in several important ways and will overcome some of the challenges that retired officers have faced in the past in obtaining certification. The legislation will also remove some of the administrative pressure on law enforcement agencies by allowing the required firearms qualification testing of retired officers to be done by a private firearms instructor who is certified to test active-duty officers in his or her jurisdiction and at the officer's own expense. And it will give law enforcement agencies more certainty and authority when determining whether a retired officer suffers from mental health issues sufficient to disqualify that officer from certification under the law.

I have great confidence in the men and women in law enforcement who put their own lives on the line to serve their fellow citizens every day. This confidence extends to these men and women whether they are on the job or off duty. I trust in them and their proven ability to exercise the firearm privileges provided under the Law Enforcement Officers Safety Act responsibly and with the same solemnity with which they approach their official duties.

I have said many times that Congress's efforts to assist State and local law enforcement are a crucial part of our Federal policy and a policy that pays dividends in our overall capability to protect the citizens of the United States. State and local law enforcement officers are the first line of defense and support in America's communities, and for that they deserve the recognition and continued support of Congress. We must also recognize the men and women who serve as law enforcement officers throughout the Federal Government, for whom this legislation will also provide benefits. Federal officers play an indispensible role in the Federal system and in important partnerships with State and local officials around the country. I am glad that the improvements we have worked for over the last several years will finally be enacted, and I look forward to hearing about the positive changes that will come.

PERSECUTION OF THE BAHA'IS

Mr. LEAHY. Mr. President, I want to take a moment to call the Senate's attention to members of the Baha'i faith who have and continue to suffer severe persecution by the Iranian Government.

Senators should be aware that seven prominent Iranian Baha'i leaders are currently in prison, facing sentences of up to 10 years, charged with espionage, establishing an illegal administration, and promoting propaganda against the Islamic order. These spurious charges are only the latest example of the mistreatment of the largest religious minority in Iran.

Ironically, the Baha'i faith originated in Iran during the 19th century, separating the Baha'is from their previous affiliation with Islam. The founder of the faith, known as The Bb, was then arrested, locked in a dungeon, and executed, as were some 20,000 of his followers. These atrocities devastated a religion whose tenets include global unity, peace and diversity.

Persecution of the Baha'is in Iran continued into the next century, with the Iranian Government's destruction of Baha'i literature in 1933, and in 1955 the demolition of the Baha'i national headquarters. Since the establishment of the Islamic Republic of Iran in 1979, the government has stepped up its active discrimination against the Baha'is. Children are prohibited or discouraged from receiving higher education, Baha'is are unable to practice their faith in public, they are prevented from opening businesses or advancing their careers, and Baha'i cemeteries are destroyed. Baha'is are slandered by the Iranian media, often called worshippers of Satan.

The arrests of the seven Baha'I leaders are the latest official Iranian abuse against members of this religious faith. These men and women led the ''Friends in Iran,'' a Baha'i group working to meet the needs of the Baha'is in Iran. After their arrest, the group disbanded, reducing the much needed support to the Baha'is. The leaders were incarcerated in 2008, and were not brought before a judge for over 20 months.

The systematic abuses of the Baha'i by the Iranian Government are clear violations of provisions in the International Covenant on Civil and Political Rights, to which Iran is a signatory, on economic and educational opportunities, religious freedom, and due process. They are also violations of Iran's own laws.

Prominent global leaders are speaking out in support of the Baha'is in Iran, including Secretary of State Clinton, her British counterpart William Hague, and the President of the European Parliament, Jerzy Buzek. They

have each expressed concern and disapproval with Iran's mistreatment of Baha'is. They are joined by a long list of human rights groups, such as the International Federation for Human rights, Human Rights Watch and the Iranian League for the Defense of Human Rights. I want to add my voice in condemning Iran's persecution of its Baha'i religious minority.

Our Nation stands for fundamental rights and freedoms. We are not perfect, and I have not hesitated to speak out when I felt we fell short of our own values and principles. But I also believe we have an obligation to speak out when the fundamental rights of citizens of other nations are being denied. The Baha'is of Iran deserve our admiration and support.

ASSISTANCE FOR AFGHANISTAN

Mr. LEAHY. Mr. President, at a time when many Americans are increasingly concerned with the situation in Afghanistan, I was interested in an investigative report on U.S. aid for Afghanistan in the August 2, 2010, issue of the Christian Science Monitor weekly magazine. The report describes several aspects of the U.S. Agency for International Development's approach to development in that country, and I want to take a minute to clarify what may be a misconception about the Congress's expectations.

The article describes USAID's focus on the ''burn rate''—that is, how quickly aid funds are spent. With this as USAID's focus, the more money the President asks for, the more money Congress appropriates, the more money USAID has available to spend, and the faster USAID says it needs to spend it in order to satisfy Congress.

The article gives examples of the mistakes and problems that have resulted from trying to spend too much, too fast, in an environment where security threats severely limit the ability of USAID to monitor the funds, where a large percentage of the population lives as though it were the 12th century, where corruption is pervasive, and where the Karzai Government is widely perceived as ineffective or worse. The article describes big-dollar contracts with foreign companies that are not familiar with Afghanistan, for projects that are hastily designed from the top down, are overly ambitious, and too often do not produce good results.

This is one Senator who is not impressed by burn rates. I don't think they are a good measure of anything, except possibly waste. When I hear that the administration expects to increase the burn rate for USAID programs and activities in Afghanistan from $250 million per month to $300 million per month, it rings alarm bells. I am interested in projects that are worth the investment and that provide lasting improvements in the lives of the Afghan people. More often, that means spending less, and spending it more slowly and more carefully.

What we are seeing in Afghanistan is reminiscent of Iraq, although in Iraq the waste and shoddy results were on a far larger scale. The Pentagon was asked to be a relief and reconstruction agency that it was never meant to be. The empty buildings, electricity blackouts and unfinished projects are part of the costly legacy of that debacle.

But the increasing tendency in Afghanistan to measure progress by the rate at which money is spent is unwise. We have urged USAID to go slower, to focus on smaller, manageable, sustainable projects that are chosen with input from local communities. Local people, and local governments or national government ministries with a record of transparency, accountability and good performance, should be involved at all stages, from design to implementation to oversight. It may take longer, the projects may not be as grandiose, but the long term results are likely to be better.

In response, we are told USAID needs more money to support the civilian surge and implement bigger projects quickly as part of the ''clear, hold, build'' strategy. I understand the pressure USAID is under, from the Pentagon, the White House, and the State Department, to spend more money faster. I suspect if it were up to USAID alone it would spend less and get better results. And I am concerned that at the same time USAID is being told to spend more, it is treated as a second-class agency that sometimes has to fight just to be included in the discussions about the very strategy it is told to implement.

But I have seen, as the Christian Science Monitor describes, the disappointing results of the big-spending, rushed approach. Costly new roads that are already deteriorating, poorly built irrigation canals that have collapsed from landslides, hydro-electric projects that don't produce electricity. United States officials in Kabul who have been in the country only a few months and will be gone after a year, trying to direct what happens on the ground hundreds of miles away. Perhaps the worst of it is that many Afghans have become angry and distrustful of the United States because they know these projects were expensive and mismanaged, and promises were not kept. Just as bad is when USAID contractors issue self-serving reports—describing projects which cost too much and produced too little—as success stories.

Of course, spending billions of dollars does produce successes. Hundreds of thousands of Afghan girls are in school thanks to the United States. That alone is a major achievement. Agricultural productivity is increasing, thanks to USAID programs, although opium poppy cultivation is also flourishing. Another success is the money we provide to the National Solidarity Program, which works from the bottom up, with better oversight and less waste than the big contracts. It is supporting economic development projects, often costing only a few tens of thousands of dollars, in thousands of Afghan towns and villages.

But these successes should not obscure the fact that planning, implementation, and oversight of programs need to be better, both for American taxpayers and for the Afghan people.

At a time when we face large budget deficits and money is scarce, I doubt the wisdom of spending billions of dollars this way. That is one reason the Department of State and Foreign Operations Subcommittee has recommended $1.3 billion less than the President requested for aid for Afghanistan for fiscal year 2011. Some argue that we should have cut even more.

We want to help the people of Afghanistan. They have suffered, and continue to suffer, every imaginable hardship. Combating poverty, empowering women whose political participation is essential to the future of that country, building more effective public institutions, and strengthening the rule of law in Afghanistan are in the long term interests of the United States. We know that in a country torn by conflict and where corruption is rampant, some projects will fail no matter how well designed they are. We understand that there is an unavoidable element of risk. But spending money fast is not the same as taking risks to help people.

I urge the administration to review its current assumptions, look critically at the results so far, take the time to understand the lessons learned, and re-evaluate the amount of aid that Afghanistan can effectively absorb so progress is measured not by the rate at which money is spent, but by tangible improvements in the lives of the Afghan people.

10TH ANNIVERSARY OF BONE BUILDERS

Mr. LEAHY. Mr. President, next month, RSVP programs in Vermont's Rutland and Addison Counties will be celebrating the 10th anniversary of Bone Builders, a free exercise program that helps Vermonters combat and prevent osteoporosis. I congratulate all the participants and volunteers who have contributed to the success of Bone Builders and for reaching this milestone.

As we mark the 6-month milepost of the Affordable Health Care Act and the implementation of more and more of its benefits for Americans and their families, we all are increasingly attuned to the advantages of ending the corrosive health cost spiral, and the roles to be played by individual and organized preventive efforts like Bone Builders.

Bone Builders uses RSVP volunteers to lead weight training and balance exercise classes aimed at preventing fractures caused by osteoporosis. Classes help participants increase their muscular strength, balance, and overall bone density. Countless studies have

shown that women who participate in exercise programs like Bone Builders can gain bone density while nonparticipants will continue to lose bone density.

One particular story shared with me captures how important this program is to help keep Vermonters healthy. A few years ago during a particularly rough winter, a Bone Builders participant was walking to her bird feeder and fell, injuring herself. Yards away from her house and her phone, she found the strength to drag herself back to her house. Later she told an RSVP volunteer that she would not have been able to get inside to call for help if she had not participated in Bone Builders.

Medical experts estimate that there are 1.5 million fractures per year in the United States due to osteoporosis, costing nearly $20 million in health care services and treatments. Doctors in Vermont, understanding how important strength training programs are for seniors in order to prevent osteoporosis, have started to refer patients to local classes and hand out Bone Builders brochures. Since the program has been so successful and popular in Vermont, there are now more than 100 classes offered across our State.

The program has helped countless Vermonters not only improve their health but make connections in their communities. Some participants have recently lost spouses or have had health difficulties that may isolate them within their neighborhood and communities. The camaraderie and friendship that participants in Bone Builders find through classes often leads them to socialize outside of the program. In fact, the program has been so successful in Vermont that the Bone Builders model has been replicated in several other States, including California, Maine, Florida and Minnesota.

I am proud of the Vermonters who have taken the initiative and challenged themselves in these classes, and for the work of the volunteers who spend their time inspiring others to improve their health. I look forward to celebrating the work of RSVP Bone Builders and many other such anniversaries in the years ahead.

COMMENDING SENATOR ROLAND BURRIS

Mr. LEVIN. Mr. President, Senator Roland Burris of Illinois was sworn into office less than 2 years ago. In that short time, he has debated and voted on some of the most important legislation the Senate has considered in 40 years. During his tenure, Senator BURRIS has helped pass major reforms to end abuses by the credit card industry, to put a cop back on the beat on Wall Street, and to expand health care coverage to 32 million Americans while reducing the Federal deficit by $143 billion. Senator BURRIS also voted to confirm the nomination of two U.S. Supreme Court Justices: Justices Sonia Sotomayor and Elena Kagan.

Senator BURRIS serves on the Senate Armed Services Committee, which I chair. During his service on the committee, Senator BURRIS helped provide oversight of the military as we draw down U.S. forces in Iraq and standup Afghan forces in Afghanistan. He has helped pass weapons acquisition reform legislation and two National Defense Authorization Acts out of committee. He has helped confirm the nominations of Nation's top civilian and military leaders.

Before coming to the Senate, Roland Burris had a distinguished career in Illinois politics, as Illinois comptroller and then as the Illinois attorney general.

As Senator BURRIS ends his time here in the Senate, I thank him for his service to our Nation and wish him and his family the very best.

COMMENDING SENATOR CARTE GOODWIN

Mr. LEVIN. Mr. President, today I rise to congratulate Senator CARTE P. GOODWIN of West Virginia for his service. When he was sworn into office in July, Senator GOODWIN assumed the seat previously held by the Chamber's longest serving and one of the most distinguished Senators in our history—Senator Robert C. Byrd, who passed away on June 28.

Before arriving in the Senate, Senator GOODWIN already had an impressive political career. As chief counsel to West Virginia Governor Joe Manchin, CARTE GOODWIN led the effort to reform mine safety rules in the wake of the Sago and Aracoma coal mine disasters that killed 14 coal miners. He also served as the chairman of the West Virginia School Building Authority.

Senator GOODWIN serves on the Senate Armed Services Committee, which I chair. As a committee member, Senator GOODWIN has helped pass the National Defense Authorization Act out of committee. He has also contributed to hearings overseeing the status of conflicts in Iraq and Afghanistan.

As Senator GOODWIN's time in the Senate draws to a close, I thank him for his service to our country, and I wish him and his family the very best.

WORLD STEM CELL SUMMIT

Mr. LEVIN. Mr. President, next week, scientists, researchers, industry leaders and advocates from around the world will gather in Detroit, MI, for the sixth annual World Stem Cell Summit. By bringing together experts in medicine, genetics, business, and economic development, the summit will give a boost to global efforts aimed at finding cures for debilitating and deadly diseases, as well as bringing the important economic benefits of bioscience. By choosing Detroit as the site of this year's summit, the organizers have made a powerful statement about Michigan's commitment to this vital area of scientific exploration.

In 2008, Michigan voters approved a referendum protecting the ability of Michigan researchers to engage in research involving stem cells. This wise decision has already paid significant dividends. Researchers at the University of Michigan, Michigan State University, Wayne State University, and other Michigan institutions have made significant progress even in that short time. UM has established a consortium to aid the search for treatments and cures, and a UM researcher, Dr. Eva Feldman, last year obtained FDA approval for the first ever clinical trials on a stem cell therapy for ALS, or Lou Gehrig's disease. Researchers at MSU are advancing work on stem cell treatments for Parkinson's disease. At Wayne State, scientists are examining how stem cells can be made more useful for a wide variety of medical purposes. These and other institutions across the State are working hard to save and improve lives, and I congratulate them for their efforts.

Michigan researchers will join others from across the country and around the world at next week's summit. They will examine not only the latest scientific advances but important subjects such as how stem cell research can contribute to economic development efforts, another area in which Michigan has quickly become a leader.

I would like to welcome those who will travel to Detroit next week and thank them for the opportunity to show what Michigan has accomplished in the stem cell field. I wish them every success as they seek to protect the health and save the lives of the millions of people coping with diseases that stem cell research might one day cure.

COMBATTING TERRORISTS' ACCESS TO FIREARMS

Mr. LEVIN. Mr. President, in May 2010, the Senate Homeland Security and Governmental Affairs Committee held a hearing on how known or suspected terrorists are taking advantage of lax Federal laws to purchase firearms. The committee discussed two legislative proposals, both of which I have cosponsored, to address this weakness in current law: the Denying Firearms and Explosives to Dangerous Terrorists Act, S. 1317, and the PROTECT Act, S. 2820. S. 1317 would close the loophole in current law—known as the terror gap—that prevents the Federal Government from stopping the sale of firearms or explosives to a known or suspected terrorist—unless that individual falls under another disqualifying category. S.2820 would lengthen the time—from the current duration of 90 days to 10-years the FBI is required to keep gun transfer records that involve a purchaser on the terrorist watch list. Unfortunately, despite broad support from the law enforcement community, Congress has failed to pass these commonsense pieces of legislation.

On September 22, 2010, the Senate Homeland Security and Governmental Affairs Committee held a hearing entitled ''Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland.'' At this hearing, I questioned FBI Director Robert Mueller about the FBI's efforts to prevent individuals on the terrorist watch list from acquiring firearms and explosives. In regard to S. 1317, I asked Director Mueller if he had an opinion as to whether or not persons on the terrorist watch list should be able to buy guns and explosives. I was pleased to hear Director Mueller's response that ''all of us would want to keep weapons out of the hands of terrorists and/or persons on the terrorist watch list.'' This response echoes the support given at a November 2009 Senate Judiciary Committee hearing by Attorney General Eric Holder, the Nation's top law enforcement official, for legislation to close the terror gap.

In regard to S. 2820, I asked Director Mueller whether he would like to be able to keep firearm transfer records for longer than 90 days for persons on the terrorist watch list. Again, I was glad to hear that Director Mueller favors a longer period of record retention across the board, including for those persons who are on the terrorist watch list. According to Director Mueller, ''retention of records gives us an ability to go back, when we identify some person, and determine whether or not there's additional information we would have in those records that would enable us to conduct a more efficient investigation.''

At this hearing, Director Mueller added his voice to the chorus of support from so many law enforcement professionals for legislative solutions that address the deficiencies in current law. Closing the terror gap and increasing the duration of firearm record retention are two ways to give the law enforcement community the necessary tools to keep guns and explosives out of the hands of known and suspected terrorists. Congress should listen to the brave men and women charged with protecting the American public and, without further delay, pass these commonsense solutions.

TRIBUTE TO JIM CORLESS

Mr. LEVIN. Mr. President, as Members of the Senate, we work every day with public servants who fill an amazing variety of roles, and when one of those servants fills his or her role with exceptional skill and dedication, they deserve our praise. One such public servant, Jim Corless, the superintendent of Keweenaw National Historical Park in Michigan, is preparing to retire after nearly 30 years of Federal service, the last 3 of which have come in helping build one of the most unique national parks in the Nation.

Jim Corless came to Michigan's Copper Country from Klondike Gold Rush National Historical Park in Skagway, AK, making him that rare person who moved south to the Upper Peninsula of Michigan. This was good fortune for those of us who care about preserving the history of Michigan's copper mining era because Jim's career had prepared him well. As a trained historian, Jim had already helped bring alive the drama of our Nation's founding, the frontier grit of the earliest Texas settlers, the history of Ozark waterways in Arkansas, and the growth of textile manufacturing in Massachusetts in parks from coast to coast.

Preserving the legacy of Michigan's copper mining industry has long been a priority for many of us Michiganians. The Keweenaw Peninsula contained perhaps the world's richest and purest deposits of copper, and from native peoples 7,000 years ago to miners in the 19th and 20th centuries, those deposits have had profound effects on human society across our Nation and on the peninsula.

The park established in 1992 to preserve that history is like no other in the Nation. Unlike the vast majority of National Park Service facilities, in which the government owns and controls the land and associated assets of the park, Keweenaw National Historical Park is an unusual public-private cooperative venture. Private citizens, nonprofit groups, and local governments own nearly all the park's historic assets, and they are managed cooperatively, with the Park Service providing coordination, advice and funding.

That calls for a superintendent who is part historian, part manager, and part diplomat. Jim has skillfully served all three roles. He has worked closely with officials at the Environmental Protection Agency to simultaneously preserve the industrial legacy of the copper mines while remediating the environmental impact of that legacy. And he has taken a leading, but always cooperative, role in bringing together the various community interests who have a stake in the park and its growth. Just one example of this work is his work to help create the Quincy Smelter Steering Committee to help preserve one of the park's most important historic resources.

Jim describes Keweenaw National Historical Park as a ''parknership,'' and that illustrates the thoughtful way in which he has approached his job over the last 3 years. All of us who care about Michigan's vital mining past are grateful for his exceptional service, and we all wish him and his wife Mary Jane the very best as they embark on the next chapter of their lives.

HONORING OUR ARMED FORCES

MASTER SERGEANT JARED VAN AALST

Mrs. SHAHEEN. Mr. President, it is with a heavy heart that I rise today to pay tribute to the life and sacrifice of MSG Jared Van Aalst, a native of Laconia, NH. Jared was killed on August 4 while stationed in Kunduz Province, Afghanistan. He was serving on his sixth combat deployment as part of Operation Enduring Freedom. Jared exemplified the very best in our military's long tradition of selfless service on behalf of this great nation.

Master Sergeant Van Aalst enlisted in the U.S. Army on August 17, 1995. After completing basic training, the signal systems specialist course and basic airborne school, he was assigned to the Headquarters Company. He later completed the Ranger indoctrination program and sniper school, and continued to rise through the ranks as a sniper team leader and squad leader. Master Sergeant Van Aalst was promoted to sniper platoon sergeant, platoon sergeant, and finally served as the noncommissioned officer in charge of Headquarters Company's 3rd Battalion Reconnaissance, Sniper and Technical Surveillance. He saw combat in both Operation Iraqi Freedom and in Operation Enduring Freedom in Afghanistan.

An exceptional marksman and soldier, in 2005 Master Sergeant Van Aalst defeated 147 of his brothers in arms to take first place at the service-rifle individual championship in the U.S. Army Small Arms Championships. He was later selected as a shooter and instructor for the U.S. Marksmanship Unit at Fort Benning.

Master Sergeant Van Aalst's many awards include the Bronze Star Medal, two Meritorious Service Medals, two Joint Service Commendation Medals, three Army commendation Medals, seven Army Achievement Medals and five Good Conduct Medals, the Afghanistan Campaign Medal with two bronze service stars, the Iraq Campaign Medal with two bronze service stars and the National Defense Service Medal with bronze service star. He was posthumously awarded a second Bronze Star Medal and a third Purple Heart Medal, as well as the Defense Meritorious Service Medal. Our Nation can never adequately thank Jared for his willingness to make the ultimate sacrifice in the defense of American liberties, nor can words diminish the pain of losing this brave American. For his 15 years of service, he has earned our country's enduring gratitude and recognition.

A Laconia native, Jared was a graduate of Plymouth Regional High School in Plymouth, NH, where he was the captain of the high school wrestling team and one of the best wrestlers in the entire state in his weight class. He is remembered for his incredible drive and determination to succeed.

Jared has been laid to rest at Arlington National Cemetery. He is survived by his wife Katie Van Aalst, their two daughters Kaylie and Ava, and his parents Neville and Nancy Van Aalst. This brave New Hampshire son will be dearly missed by all.

I ask my colleagues and all Americans to join me in honoring the life of MSG Jared Van Aalst.

SERGEANT ANDREW NICOL

Mr. President, today it is also my sad duty to pay tribute to the service and sacrifice of SGT Andrew Nicol, a native of Kensington, NH. Andrew, just 23 years old, was killed in action by an improvised explosive device on August 8 in Kandahar, Afghanistan, while supporting Operation Enduring Freedom. He served as an Army Ranger and was a member of the 3rd Battalion, 75th Ranger Regiment, based at Fort Benning in Georgia.

Despite his young age, Sergeant Nicol served five tours in Iraq and Afghanistan and was awarded many medals for his valor. These included the Army Achievement Medal, Army Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal with Combat Star, Iraq Campaign Medal with Combat Star, and the Global War on Terrorism Service Medal. He was honored for heroic actions during a combat mission in October 2008 and was also awarded the Bronze Star Medal for Valor for heroic actions in northern Iraq. His actions during these missions saved the lives of fellow soldiers and led to the capture of numerous enemy insurgents. Sergeant Nicol was posthumously awarded an additional Bronze Star Medal, a Meritorious Service Medal and a Purple Heart. Unquestionably, he served his country with both honor and distinction.

Andrew was a 2005 graduate of Exeter High School. He was captain of the wrestling team there, and earned the respect and affection of his peers through his leadership and wonderful sense of humor. Andrew looked for challenges, from racing in New Hampshire motocross competitions to serving as a volunteer firefighter and EMT. He was an indispensable member of his community.

Sergeant Nicol exemplified the best in New Hampshire's long tradition of service to this country. Our Nation can never adequately thank this young hero for his willingness to lay down his life in defense of the American people and words cannot fill the void left by his death. I hope that Andrew's family can find solace in knowing that all Americans share a deep appreciation for his service. Daniel Webster's words, first spoken during his eulogy for Presidents Adams and Jefferson in 1826, are fitting: ''Although no sculptured marble should rise to their memory, nor engraved stone bear record of their deeds, yet will their remembrance be as lasting as the land they honored.'' Sergeant Nicol has earned our country's enduring gratitude and recognition.

Andrew has been laid to rest at the New Hampshire State Veterans Cemetary in Boscawen. He is survived by his parents Roland and Patricia Nicol of Kensington, NH, and older brother Roland who lives in Boston. This young patriot will be dearly missed by all.

I ask my colleagues and all Americans to join me in honoring the life of SGT Andrew Nicol.

STAFF SERGEANT KYLE WARREN

Mr. President, today with a heavy heart, I also wish to pay tribute to the life and service of Army SSG Kyle Warren, who was killed on July 29 in Tsagay, Afghanistan, by an improvised explosive device. Warren, formerly of Manchester, NH, was on his second deployment to Afghanistan. He was a member of the 1st Battalion, 3rd Special Forces Group, Airborne, based at Fort Bragg, NC.

Staff Sergeant Warren joined the military in 2004, entering the Army as a Special Forces trainee. Following Basic and Special Forces training, he completed medical training at the John F. Kennedy Special Warfare Center and School. By 2007, Warren had earned a Green Beret and went on to serve as a Special Forces medical sergeant during two tours of duty. His awards include the Bronze Star Medal, Army Achievement Medal, Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal, NATO Medal, Purple Heart, and Global War on Terrorism Service Medal. Unquestionably, he served our Nation with distinction and honor.

A native of southern California, Kyle moved to New Hampshire in 2003 to be closer to his mother. While in Manchester, Kyle joined the local men's rugby club and quickly made friends with his teammates. He is remembered for his wonderful sense of humor, remarkable physical strength, and exceptional kindness.

SSG Kyle Warren exemplified the best in New Hampshire's long tradition of service to this country. Our Nation can never adequately thank him for his willingness to make the ultimate sacrifice in defense of the American people and words cannot fill the void left by his death. He has earned our Nation's enduring gratitude and recognition.

SSG Kyle Warren is survived by his wife Sandra, whom he met while living in New Hampshire, his mother and stepfather Lynn and Ed Linta, as well as his father and stepmother Del and Hill Warren. This patriot will be dearly missed by all.

I ask my colleagues and all Americans to join me in honoring the life of SSG Kyle Warren.

SERGEANT MARVIN RAY CALHOUN, JR.

Mr. BAYH. Mr. President, I rise today to honor the life of SGT Marvin Ray Calhoun, Jr. of the U.S. Army and Elkhart, IN.

Sergeant Calhoun was assigned to the Army's Bravo Company, 5th Battalion, 101st Combat Aviation Brigade, 101st Airborne Division. He lost his life on September 21, 2010, while serving bravely in support of Operation Enduring Freedom in Qalat, Afghanistan, where he was serving his second tour of duty. Sergeant Calhoun was 23 years old.

Marvin joined the Army soon after graduating from Elkhart Central High School in 2006. He played on his high school football team and was described by his coach as one of the team's hardest working players.

Today, I join Marvin's family and friends in mourning his tragic death. He is survived by his wife Yamili Sanchez and their daughter Yohani; his mother Shirin Reum; and his father Marvin Calhoun, Sr.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.''

As we struggle to express our sorrow over this loss, we take pride in the example of this American hero. We will cherish the legacy of his service and his life.

It is my sad duty to enter the name of Sergeant Marvin Ray Calhoun, Jr. in the RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy and peace.

PRIVATE FIRST CLASS GEBRAH NOONAN

Mr. DODD. Mr. President, it is with a heavy heart that I rise today to mark the passing and honor the service of Army soldier, PFC Gebrah Noonan of Watertown, CT.

Private First Class Noonan died in Fallujah, Iraq, on September 24. He was a member of the Headquarters Company of the Third Infantry Division stationed out of Fort Stewart, GA. His company had deployed to Iraq in July and Gebrah was eager for the opportunity to serve his country-something he had always wanted to do.

Gebrah Noonan graduated from Watertown High School in 2002, where he is fondly remembered by friends for having a larger than life personality, a smile on his face and a joke to share. His humor and wit earned him the title of class clown his senior year. Gebrah loved life and was an avid Yankees fan, but even more so a Michael Jackson enthusiast. He even dressed up like Michael Jackson during School Spirit Days.

Private First Class Noonan was always outspoken about his love of country. He enlisted in the Army last October because he felt it was an opportunity to serve his country as well as an opportunity for self-improvement. Private First Class Noonan's Army recruiter remembered him as a committed soldier who also brought his fun personality to everything he did. He truly had an infectious smile.

Private First Class Noonan leaves behind a family that has supported him through every part of his young life. Our thoughts and prayers are with his parents William and Ling Noonan, as well as his brothers and sister. There are no words to express the debt of

gratitude we owe to Gebrah and his family. PFC Gebrah Noonan's selflessness and sacrifice will not be forgotten by those of us who mourn his tragic loss.

Mr. KAUFMAN. Mr. President, since last February, I have spoken at great length on what I viewed and continue to view as the key issue in financial reform that of too big to fail. As my colleagues know, I sponsored legislation with Senator BROWN and others that would have placed strict limits on the size and riskiness of megabanks, but that did not pass. Instead, Congress placed its faith in regulators to set appropriate prudential standards for these institutions.

The issue of too big to fail has therefore not gone away with the passage of the landmark Dodd-Frank bill. It remains the most pressing issue for regulators and for all of us. As Fed Chairman Ben Bernanke stated recently in testimony before the Financial Crisis Inquiry Commission: ''If the crisis has a single lesson, it is that the too-big-to-fail problem must be solved.''

Given that, financial regulations being developed nationally and internationally will be judged by one critical standard: do they address the core problem of too big to fail? This will be my last Senate speech on this issue, and I will be focusing on whether the recent rules coming out of Basel, Switzerland and that will be considered in the upcoming G20 meeting in Seoul meet this standard.

The oversight body of the Basel Committee on Bank Supervision recently came to agreement on a core pillar of the Basel III framework of bank capital and liquidity standards. The agreement comes approximately 2 years after the original onslaught of the financial crisis and only a couple of months after the passage of a landmark financial reform bill in this Congress. This represents a rather quick turnaround for complex and oftentimes fractious international negotiations on financial regulation.

The new Basel III agreement also effectively increases the amount of common equity that banks must hold as a percentage of their risk weighted assets from 2 percent to 7 percent. Importantly, this change not only raises the international bar on the amount of capital that banks hold, but also the quality of the capital that they hold that is, more of their capital will need to be held in the form of common equity and retained earnings. In addition, this minimum risk-weighted capital ratio would also be supplemented for the first time on an international level by a leverage limit of 3 percent, a ratio that reflects the amount of capital that a bank holds relative to the size of its assets.

While I commend the committee on its efficiency and for producing a proposal that significantly strengthens existing international capital standards, I see several problems and flaws with regard to both the design and implementation of these rules.

First, the standards are still too weak and will take way too long to be implemented. Even with the greater focus on high-quality equity capital, large U.S. bank holding companies are generally already well above the Basel III standards, which they will not have to comply with until 2019. And while the introduction of a leverage ratio has been hailed as a major achievement, it is subject to a long test and implementation period and is set at such a low level as to be mere window dressing. In fact, it would still permit financial institutions to leverage their balance sheets more than 33 times over their capital base, which is well above the gross leverage level at Lehman before it went into bankruptcy.

Second, given the weakness of the leverage ratio, it is even more incumbent on negotiators to go back to the drawing board on the flawed risk-based standards of Basel II. In short, determinations on capital adequacy under the Basel rules will continue to be dependent on arbitrary risk weights, the judgments of rating agencies and the banks' own internal models. Instead of correcting the fundamental flaws of Basel II, Basel III continues to walk on its Achilles heel.

The final financial reform bill partially addresses this problem by removing all references to credit rating agency ratings in Federal regulations. But since the Basel regulatory capital rules depend heavily on credit rating agency determinations, U.S. regulators are currently struggling to find a viable alternative. This is no doubt a tough task given that the use of ratings is at least as pervasive in the world of financial markets as it is in the world of financial regulations.

Third, the Basel Committee punts on a global liquidity standard. With all the focus on capital requirements, it is easy to forget that liquidity rules are at least as important, if not more so. After all, Lehman Brothers was deemed adequately capitalized only days before a run on the firm evaporated its liquidity. Other institutions that were reportedly adequately capitalized also had fatal or near-fatal experiences due to liquidity runs.

The Basel Committee initially proposed a fairly robust liquidity proposal late last year. Under it, banks would be subject to a liquidity coverage ratio, LCR, requiring them to hold enough high grade liquid assets to cover potential cash needs over a 30-day period. They would also be subject to a net stable funding ratio, NSFR, requiring them to have sufficient sources of stable funding based upon the overall liquidity profile of their assets. Such a standard would help limit overreliance on unstable wholesale financing sources, a cause of the financial crisis that I will discuss in greater detail later in this speech. Unfortunately, in the face of a vocal industry backlash, the committee watered down the proposals in July and has further backtracked on these standards in its most recent release. Both are also subject to a long ''observation period.'' In fact, the actual standards on the LCR and NSFR, which are likely to be much weaker than the initial proposals, will not be introduced until 2015 and 2018, respectively.

Instead of waiting on uncertain and delayed Basel rules, U.S. regulators can set their own liquidity rules and/or use new powers granted by Dodd-Frank to place basic limits on the use of short-term debt, including repos, by systemically significant financial institutions. In the years prior to the crisis, the repo market morphed from a means for money-center banks to use high-quality collateral like Treasurys to secure overnight liquidity to being a convenient way for banks to finance the booming securitization machine. Unfortunately, the use of repos and other forms of short-term borrowing to finance massive inventories of illiquid structured securities backed by dubious collateral led to serious structural weaknesses at the heart of our financial system. Placing basic limits on this practice would add greater stability to our financial system. Indeed, if financial institutions had to use more expensive longer term funding to finance risky assets, we would likely see fewer risky and needlessly complex financial assets being created. As a recent study by the Bank of International Settlements shows, the effect of higher capital and liquidity requirements will likely strengthen financial stability without hindering economic growth.

Finally, the Basel Committee has yet to specifically address the problem of too big to fail. Although the committee notes that systemically significant banks should have ''loss absorbing capacity'' that goes beyond these basic standards, it has yet to provide much in the way of details of what this will entail. Ultimately, systemically important banks might need to hold some combination of the following: additional capital; contingent capital that converts from debt to equity when overall capital levels drop below a minimum threshold; and so-called bail-in debt that would subject holders of the debt to an expedited cram-down in cases where the institution was distressed. Presently, concepts such as contingent capital and bail-in debt, neither of which is a high-quality form of capital, raise more questions than answers with regard to how expensive a form of capital they would be and how they would work in practice. Indeed, the Basel Committee itself continues to explore these issues as reflected by a recent consultative document. And while the committee calls for a ''well integrated approach'' on the supervision of systemically significant institutions, it seems more likely that the regulation of these firms will differ depending on national jurisdictions.

Under the new financial reform law, the Federal Reserve must set capital and other prudential standards that

are more stringent for systemically risky institutions than they are for other financial institutions. It can also set graduated capital requirements that rise as banks and other financial institutions grow bigger and more complex. In addition, the Fed can set countercyclical capital rules that require banks to build up capital buffers during a bubble. While the Basel agreement also calls for such countercyclical rules, national regulators will have great discretion on when and how to implement them.

But to truly address too big to fail, regulators will ultimately need to limit the size, complexity, and riskiness of megabanks. The final financial reform bill has a number of provisions that have the promise of doing this, if regulators avail themselves of them. For example, the final bill's inclusion of the Kanjorski provision will give regulators the explicit authority to break up megabanks that pose a ''grave threat'' to financial stability. In addition, the requirement that systemically significant firms develop ''living wills'' allows regulators eventually to force an institution to shed assets if it fails to submit a credible resolution plan. Because resolution authority does not work for global mega-banks sprawled across many borders, I believe it will be imperative for regulators to use these powers.

I hope we ultimately take heed of the lesson that Chairman Bernanke identified. While the Basel III framework will be useful in setting minimum international standards, U.S. and other national regulators will need to go far beyond it to address the problem of too big to fail. Of course, I would have preferred to have solved this problem by drawing simple statutory lines, such as those put forward in the Brown-Kaufman amendment. The Dodd-Frank bill instead takes a different tack, leaving critical decisions in the hands of the regulators. Its ultimate success or failure will therefore depend on the actions and follow through of these regulators for many years to come.

As I have said before, Congress has an important role to play in overseeing the enormous regulatory process that will ensue following the bill's enactment. The American people, for that matter, must stay focused on these issues, if just to help ensure that Congress indeed will fulfill its oversight duty and its duty to intervene if the regulators fail. Although I will be leaving the Senate in November, I will be watching to see if the regulators have learned the lesson to which Chairman Bernanke refers and are willing to take the tough steps to solve the too big to fail problem.

MIDDLE EAST PEACE PROCESS

Mr. KAUFMAN. Mr. President, while a U.S. Senator I have traveled to the Middle East three times, visiting Israel each time and the West Bank twice. My travels through the region also included four visits to Iraq, as well as visits to Saudi Arabia, Lebanon, Egypt, Syria, Turkey, and Kuwait. What I have seen in those trips gives me a certain amount of qualified optimism different than any I have had in my 37 years following the Arab-Israeli peace process.

This morning, I shared my thoughts with the organization J Street, and I ask unanimous consent that they be printed in the RECORD.

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

Good morning. I am pleased to address you today about the Middle East peace process, a topic J Street has done so much on already. I often describe the Middle East as a roller coaster, full of ups and downs and the occasional complete loop. It might be an exciting ride, if only you had any idea when it was going to end. In my experience things are most dangerous in the Middle East when you are optimistic. We have all learned the Middle East can break your heart.

Even with that in mind, after 37 years working in and around Washington, I am optimistic about the prospects for a Middle East peace process. I know the major obstacles to peace and I will highlight two in particular that I believe are most threatening, but first let me explain the reasons this time feels different to me.

First is Iran. As one of my top priorities as a U.S. Senator, I sought out updates on the Middle East from my very first days in office. What I heard from senior administration officials and other senators surprised me: when they traveled to the region they found the Arab states—for the first time in my experience—did not start with a diatribe about Israel, but rather wanted to talk about Iran, and the destabilizing effect an Iranian nuclear weapon would have on the whole Middle East.

I went there myself and found it to be completely true. And I think my most recent trip to Saudi Arabia provides a wonderful illustration of this. In Riyadh, we spoke with members of King Abdullah's consultative assembly, a group of professionals appointed by the King to offer him advice. They certainly wanted to talk about the peace process with us, but at the same time a comment from the chair of their foreign relations committee was typical. He said ''Iran wants to destabilize the Gulf. We do not believe they have a peaceful nuclear system, because otherwise, why would they be building delivery vehicles.''

At higher levels in Saudi Arabia, the realization at last that Iran, not Israel, is the greatest danger to stability in the Middle East is even more pronounced. We met behind closed doors with a member of the Saudi royal family and had a lively back-and-forth about the peace process. But at the end of our discussion, he turned to us and said, I paraphrase, ''It's really all about Iran.''

It is not difficult to see why. Saudi Arabia has been the unrivaled most important Muslim country in the Gulf for nearly half a decade, the one that the other Muslim countries look to for leadership. A nuclear Iran is a direct challenge to Saudi existence in the Gulf, and the centuries of bad feelings between their peoples ensure that it will not be a friendly competition.

Saudi Arabia, as the leader of the Sunni world, sees an aggressive Shia Iran as a threat to its most basic principles, and fears its export of extremists around the region and within its own borders. The Saudi monarchy has already fought an extremist domestic insurgency in the last decade, and it understands all too well the threat they pose.

Why does this make me optimistic for the peace process? Well, for the first time a nation like Saudi Arabia has a cold-hearted realpolitik motivation to support peace. The looming threat of Iran has focused their mind so that they, and other Arab nations, know they need to solve one security issue and, in the words of a member of the Saudi consultative assembly, ''take away Iran's best propaganda tool.''

The best evidence of this is the Gaza flotilla. In years past, something like the flotilla incident would have derailed the peace process down and possibly led to an intifada, but this time, the direct talks started. The relatively muted response to the end of the settlement moratorium may very well be another example.

Second, I am optimistic because of the U.S. dream team working to promote the peace process. President Obama is unshakable in his commitment to this issue and is determined to have progress. At the UN General Assembly last week, I thought he laid out the stakes very well, when he said in clear terms about the next year of the peace process that ''this time we will not let terror, or turbulence, or posturing, or petty politics stand in the way.'' If we do, he said, ''when we come back here next year, we can have an agreement that will lead to a new member of the United Nations—an independent, sovereign state of Palestine, living in peace with Israel.'' And he is right.

But it is not the first time he has made clear the United States is done with the old games and will put all its efforts into peace. It was made clear when he assembled a crack team to work on this in the Middle East and in Washington. The Vice President is truly an expert in the region, and Israel has no better friend than him. And Secretary Clinton deserves enormous credit for her work to set the right tone. But I want to spend a few minutes talking about the President's peace envoy himself, George Mitchell.

Senator Mitchell and I share something in common, we were both appointed to replace our former bosses. Along with Senator Kirk, we are the only three men in history to replace a Senator for whom we served as chief of staff. But that is not why I think he is the dream team's MVP.

My father was a secular Jew, and my mother was Irish Catholic, so I have been deeply familiar with both conflicts throughout my life. The Troubles in Northern Ireland were every bit as intractable as the problems in the Middle East. Just like Israel and Palestine, people said that ancient grudges would ensure that there could never be a compromise between a population that would only settle if Ireland was all Catholic or all Protestant. But George Mitchell brokered a peace, by understanding that both Catholics and Protestants wanted an end to the violence so they could get on with their future, and that, through perseverance, a solution could be found that both thought tolerable.

Senator Mitchell has brought that same tireless approach to the Middle East, and it has paid off with the first direct talks in almost two years. At those talks, he is well-served by his extensive background in the region, stretching back to his time as a staffer in Washington. He is certainly no neophyte to Arab-Israeli negotiations.

Even the history of the last two years that led to direct talks is based on his experience. When he chaired a fact-finding committee in 2001 to determine the best way to get the peace process back on track in the middle of the intifada, it produced what we call the Mitchell Report, suggesting three phases of

action: the immediate end to violence, rebuilding confidence in the Palestinian Authority by focusing on their ability to prevent terrorism while the Israelis froze settlement activity, and then the resumption of direct negotiations. It took eight years to get this process moving, but look where we are today.

Senator Mitchell has also had a long and storied career, including bringing peace to Ireland. He did not take this job to be one for two. You can bet that he is confident that an answer is within reach, and within reach soon. He is not preparing an eight-year plan.

My third reason for optimism is the Israeli and Palestinian leadership, particularly Bibi and Abu Mazan. Much has been made of Prime Minister Netanyahu's unwieldy coalition and the multitude of small conservative parties which each have vested interests that could sink a peace deal. But after numerous meetings with him, I am convinced that he wants peace.

I have no doubt that Bibi has wanted peace his whole life, as so many do, because the security of his country and his family depends on it. But, like with the Arab leaders, current events have provided an added realpolitik impetus right now. In my last trip, Defense Minister Ehud Barak sketched out why achieving a solution based on two states, living side-by-side in peace and security, is an existential issue for the unique Jewish democracy that exists in Israel. The alternative to lasting security through two states, he said, is the complete annexation of the West Bank and Gaza. The resulting state would either be non-Jewish, because of the size of the Israeli Arab and Palestinian population, or non-democratic, if Palestinians are disenfranchised. I believe Abu Mazan also really wants peace. Like Bibi, though, current conditions give him an unprecedented flexibility for achieving it. The Arab states that have awoken to the danger of Iran now give Abu Mazan, perhaps for the first time, a true green light to come to a negotiated settlement with the Israelis.

The Arab League in the past has acted as a break on negotiations, but now its members appear more eager for a conclusion to the long-running crisis. I am hopeful that when they meet on October 4 to consider what to do about the end of the settlement moratorium, amidst a great deal of angry rhetoric will be a go-ahead for Abu Mazan to continue talks. It is that important to both him and Arab leaders to achieve peace, and time is of the essence.

So those are three good reasons for optimism, but now the bad news: those that benefit from opposing peace will do everything they can to try to destroy the process. We know that both Hamas and Hezbollah will lose a major reason for their existence, if not the only reason for their existence, if peace is achieved. We should expect them to do everything in their power to stoke violence and provoke a reaction they can turn to their benefit.

After all, they do not need to defeat the peace process, they only need to delay it long enough that Abu Mazan follows through on his announced retirement or loses credibility, leaving a leadership vacuum for Palestinians—and in all my travels, briefings, meetings, and hearings not a single person has been able to suggest a Palestinian leader who can effectively replace him. Or they only need to delay the peace process long enough that President Obama's dream team breaks up. Or delay it long enough that more Arab states follow the path of Syria and increasingly Lebanon and decide that the benefit of kowtowing to Iran outweighs the cost of being in their crosshairs.

As I said at the beginning, the Middle East will break your heart. Whenever you are most optimistic things are most dangerous. But the focus of Arab states on Iran as the true threat, the United States peace process team, and the leadership of Palestinians and Israelis are each new features in this long story. Well aware of the pitfalls, I remain optimistic. Thank you, and I look forward to your questions.

TAIWAN'S DOUBLE TEN DAY

Mr. BURRIS. Mr. President, on October 10, 2010, Taiwan—ROC—our good friend and our partner in peace and economic development will celebrate ''Double Ten Day,'' its national day. I call upon my colleagues in the U.S. Senate to stand with Taiwan and to celebrate this important holiday.

The people on Taiwan have a vibrant democracy which sustains one of the region's most important and dynamic economies. Taiwan's economy has become an attractive base for international investment, and it has achieved economic growth of over 6 percent at a time when many world economies are faltering. Taiwan's economic strength has enabled it to become a major international investor, promoting economic development throughout the region. Clearly, Taiwan has much to offer on the world stage, and much to be proud of as they celebrate their Double Ten Day.

My good friend Taiwan's President Ma Ying-jeou deserves both recognition and congratulations for his leadership in negotiating and signing the Economic Cooperation Framework Agreement, ECFA, this summer which is helping to expand trade between Taiwan and mainland China, reducing regional tensions and encouraging regional prosperity

Taiwan has been a strong partner to the United States in our collective work with the World Health Organization, WHO , and I feel strongly that Taiwan should play a similarly valuable role in the work of global aviation safety and security initiated by International Civil Aviation Organization, ICAO. I hope my colleagues will join me in urging that important international body to welcome the participation of Taiwan.

I ask my colleagues to join with me today in standing to salute Taiwan, as a partner and friend on the world stage, on its Double Ten Day and to reaffirm our friendship, support, and continued progress together and for many years ahead.

ADDITIONAL STATEMENTS

TRIBUTE TO LES MEYER

● Mr. BAUCUS. Mr. President, today I wish to recognize an outstanding education leader from my home State of Montana. Les Meyer, principal of Fairfield High School in Fairfield, MT, has been recognized by the Montana Association of Secondary School Principals as the Montana Principal of the Year for 2010.

Les has served in the Fairfield school system for over 13 years, beginning as an English teacher in 1997 and since 2002 as the principal of Fairfield High School. Under his leadership the school has seen test scores and student achievement rise every year, while the dropout rate has fallen to almost zero. Les has expanded professional development opportunities to help his teachers do an even better job of educating our children. He is well liked and admired by the staff and students alike.

When Les was recognized as the Montana Principal of the Year, he humbly accepted the award and praised his teachers, staff, students, parents, and community members who have all contributed to the success of the young people in Fairfield schools. He noted how fortunate he is to be working in a community where folks take the education of their children seriously—a trait in communities across Montana both large and small.

There is nothing more important to Montanans than giving children the best opportunities to succeed in life. Providing our young people with a solid education is the best thing we can give them. The investments we make in our education system today will provide our children with the skills and knowledge to be successful in the 21st-century economy. Montana has some of the best teachers and principals in the country, and I look forward to working with Les and other education leaders across the State to make sure that we continue to keep the promise of a good education to our children.

Les also knows that life's lessons extend beyond the classroom. Since 2004, in addition to being principal, Les has served as the football coach for Fairfield High. Under his leadership, the team has advanced to four Class B State Championship games in the past 5 years. This season the Eagles are off to a 4 to 0 start and are ranked No. 1 in the State. Les works to instill in the young men on his team the importance of teamwork, being role models and good citizens in the community, and giving it their all both on the field and in the classroom. I wish Coach Meyer and the team the best of luck.

Les is in Washington, DC, this week along with other award winning principals from across the country who are being recognized for their achievements and are sharing their insights on how to make our education system even better. I congratulate Les on being chosen as the Montana Principal of the Year, and I applaud all our teachers, principals, and school administrators across Big Sky Country and thank them for their dedication to making our schools the best they can be.●

20TH ANNIVERSARY OF HOLY FAMILY HOSPITAL

●Mr. BOND. Mr. President, today I wish to recognize the 20-year anniversary of the Holy Family Hospital in

Bethlehem, Palestine, which has long stood as an oasis of hope and peace in the Holy Land. This celebration also marks another significant milestone for the Holy Family Hospital, the 50,000th baby delivered.

In 1990 the Order of Malta, responding to the critical need of maternal care in the region, opened Holy Family Hospital. Since its opening, the hospital has become the premier maternity hospital and newborn critical care center of the entire region which includes Bethlehem, neighboring towns and villages, four United Nations refugee camps, and Bedouin encampments in the Judean Desert.

The need for Holy Family Hospital has continued to grow over the years, with an increase from 1,000 births annually to now over 3,000 and its outpatient clinics increased from 3,600 consultations a year, to over 22,000. The hospital built and maintains the only neonatal intensive care unit in the region. Thanks to their presence, the lives of 400 premature and low-birth-weight infants are saved every year. In addition, 90 midwives have been trained, which accounts for all the midwives working in all of the hospitals in the entire West Bank.

Holy Family Hospital continues to offer the latest in medicine to the Bethlehem area, including mammography, laparoscopic surgery, and Echo Doppler diagnosis not found anywhere else in the region. Additionally, a program of continuing medical education has been instituted which has brought renowned medical professionals to the hospital as visiting professors.

As well as providing critical health care, the hospital provides many a livelihood. Mr. President, 150 hospital employees are provided steady work and a fair wage, many of whom are the sole support of large extended families.

The top-notch care and much-needed jobs in an underserved area make the hospital special, but what makes Holy Family truly shine is their commitment to bringing peace to the families in the region. From facilitating Israeli-Palestinian cooperation in the medical field to their care of pregnant mothers and babies regardless of race or religion, Holy Family Hospital is a beacon of hope in the West Bank.

This 20th anniversary celebration and 50,000th baby delivered would not be possible without the Holy Family staff and volunteers from around the world and for their dedication to the most vulnerable Palestinians.

Over the next 20 years, it is critical that the U.S. continue to partner with Holy Family so the hospital can carry forward their critical vision for hope and peace.

Congratulations and thank you for not only saving the lives of thousands of babies, but touching the lives of countless more.●

TRIBUTE TO LOU RICE

●Mr. BROWN of Ohio. Mr. President, For over 25 years, the Edison Welding Institute, EWI, has been a national leader in helping manufacturers improve their products and productivity through advanced engineering. Based on the campus of the Ohio State University, EWI is a world-class model of a public-private partnership that works with universities and entrepreneurs, and small businesses and large corporations to strengthen Ohio's position as a national leader in aerospace, automotive production, and emerging advanced clean energy manufacturing.

Among its team of cutting-edge scientists and technicians, industry experts and project managers is an employee whose voice and face has made EWI among the most important assets of the great State of Ohio.

For the last 21 years, senior receptionist Willie Lou Rice has welcomed more than 1.5 million visitors by phone and in person at EWI. No one can walk through EWI without first being greeted by Lou not even Vice President Al Gore or U.S. and State Senators or Members of Congress representing districts from across the Nation. She has greeted high-ranking officials from the U.S. Departments of Energy, Commerce, Defense, and Transportation who visit EWI to learn about its latest work. Military personnel, corporate executives, university presidents, and dignitaries from all over the world have received Lou's greeting before meeting with EWI staff.

Her commitment to the mission of EWI also extends to the community. Each year Lou has welcomed 3rd graders from Columbus School For Girls and helps introduce them to the opportunities for women in welding technology. She regularly welcomes vocational school students and local science teachers to inspire them about engineering and to show them that Ohio has long been home to inventors and innovators behind the mask and torch, and the workers in a factory.

Lou has merged her role as frontline public relations ambassador for EWI with her love for her family, friends, and church. Willie Lou Rice will retire from EWI on October 31, 2010, having served her State with distinction and honored her community with a commitment to all. On behalf of a grateful State, I congratulate her for all that she has accomplished and wish her well in her retirement. Her legacy is clearly one of strength, loyalty, and integrity. Congratulations, Lou. ●

MAINE'S ''BLUE RIBBON SCHOOLS''

●Ms. COLLINS. Mr. President, Today I commend the James F. Doughty School of Bangor, ME, on being named a 2010 National Blue Ribbon School. This recognition of high accomplishment was bestowed by U.S. Secretary of Education Arne Duncan.

The Blue Ribbon Schools award, created in 1982, is considered the highest honor an American school can obtain. Schools singled out for this national honor reflect the goals of our Nation's education reforms for high standards and accountability. Specifically, the Blue Ribbon Schools Program is designed to honor public and private schools that are either academically superior in their States or that demonstrate dramatic gains in student achievement. This award recognizes that the James F. Doughty School has worked with its students to improve their academic standing and educational excellence.

I applaud the administrators, teachers, staff, parents, and students of the James F. Doughty School. Together, they are succeeding in their mission to generate confidence and momentum for learning. They are making a difference in the lives of their students, helping them reach their full potential as independent, responsible learners and citizens.

I also wish to commend Kennebunkport Consolidated School in Maine on being named a 2010 National Blue Ribbon School. This recognition of high accomplishment was bestowed by U.S. Secretary of Education Arne Duncan.

The Blue Ribbon Schools award, created in 1982, is considered the highest honor an American school can obtain. Schools singled out for this national honor reflect the goals of our Nation's education reforms for high standards and accountability. Specifically, the Blue Ribbon Schools Program is designed to honor public and private schools that are either academically superior in their States or that demonstrate dramatic gains in student achievement.

I applaud the administrators, teachers, staff, parents, and students of the Kennebunkport Consolidated School. Together, they have built a quality, caring, and supportive educational community. The school is making a difference in the lives of their students, helping them reach their full potential as independent, responsible learners and citizens.●

TRIBUTE TO LUCY S. GARVIN

● Mr. GRAHAM. Mr. President, I ask my colleagues to join me in recognizing Lucy S. Garvin on the occasion of her retirement as chairman of the board and president of the United States Tennis Association, USTA.

Lucy's truly outstanding career in the world of tennis directly reflects her over 30-year commitment to advancing and improving the game. She has impacted tennis as a competitor, instructor, referee, industry representative, and an avid volunteer. As a recreational player, she won titles at all levels between 1976 and 1990, and in 33 years as a certified referee, she has officiated at countless tournaments.

Leading with charm, determination, and humility, Lucy has worked to expand the sport of tennis at every level around the country. On a local level, she has been a tireless advocate of tennis in South Carolina and in the Southern Region. A former president of the

USTA Southern Section and USTA South Carolina, she was inducted into the USTA Southern Tennis Hall for Fame in 2005. Lucy has also been recognized with the USTA Southern Section's Jacobs Bowl Award in 1999 and the South Carolina President's Award in 1998. The South Carolina Tennis Association established the Lucy Garvin Volunteer of the Year Award in her honor, and she was inducted into the South Carolina Tennis Hall of Fame in 1998.

Lucy was elected chairman of the board and president of the 730,000 member USTA in January 2009. In doing so she became the first South Carolinian and only the third woman to hold the position in the organization's 129-year history. Prior to her appointment as esident, she served one term as first vice president, two consecutive terms as vice president, and one term as a director at large. In addition to her responsibilities as USTA chairman and president, Lucy is also the chairman of the U.S. Open, and represents the USTA on the Grand Slam Committee. During her tenure as USTA president, tennis has grown to over 30 million recreational players.

On an international level, Lucy was elected to the board of directors of the International Tennis Federation, ITF, in 2009, serving as a vice president. She currently serves as chair of the ITF Junior Competitions Committee and a member of the ITF Development Committee. Because of her career of dedicated leadership and commitment to tennis, Lucy was elected to the International Tennis Hall of Fame Board of Directors in 2008.

Beyond being respected for her numerous leadership positions, Lucy is equally admired for being a devoted volunteer. She has tirelessly advocated for growing the game of tennis both by focusing on younger players and through outreach to traditionally underserved groups. As a result of her commitment and volunteerism with the QuickStart program, which focuses on bringing children to the game of tennis, four recently constructed QuickStart tennis courts were dedicated in Lucy's name.

Lucy's well deserved acknowledgments and recognitions highlight the impact she has had on both the game of tennis and its worldwide community. She is an invaluable asset to the tennis community, and as a leader has set an example for future USTA presidents to follow. She continues to live by her personal motto, ''Teamwork: One Team, One Goal: To Promote and Develop the Growth of Tennis.'' I am confident Lucy will continue this mission.

I ask that the U.S. Senate join me in celebrating Lucy Garvin's lifelong dedication to both the game of tennis and to the State of South Carolina, and I wish Lucy the very best in her future endeavors.●

TRIBUTE TO SHERYL MILLER

● Mr. JOHNSON. Mr. President, today I wish to recognize a public servant from my home State of South Dakota. Sheryl Miller is retiring from the Department of Housing and Urban Development, HUD, after 33 years of Federal service, including 32 with HUD and the last dozen years as the field director of the South Dakota HUD office.

During her years at HUD, she has always displayed a steadfast awareness of the housing needs of South Dakotans and a commitment to share and convey agency policies and information. When confronted with congressional and public inquiries, she always handled issues in a timely manner and networked well within the agency to provide complete and concise answers to questions. By all accounts, Sheryl always displayed a pleasant demeanor and was a true professional in her work ethic and dedication to public service.

Sheryl has an extensive background working with HUD programs in single and multi-family housing, public housing and community planning and development. She has served in HUD positions in the Denver and San Francisco regional offices. She has definitely satisfied the credentials earned with her master degree in public administration from Drake University.

During her years of service, Sheryl has witnessed many changes in public housing policies and priorities. Because of her dedicated work, countless families in South Dakota have been helped immensely in obtaining or maintaining public housing. This has a dramatic impact on the livelihood of the individual family, but also has a dramatic positive impact on the community and State. It is my hope that Sheryl leaves her HUD post knowing that she greatly impacted the lives of many people and there can be fewer greater rewards in a public service career.

I wish Sheryl all the best in her retirement.●

TRIBUTE TO MIKE LOWELL

● Mr. LEMIEUX. Mr. President, today I pay tribute to one of baseball's great athletes. At the end of this baseball season, Floridian Mike Lowell will hang up his glove and bat and retire. From hitting a single his first time up at bat in the Major Leagues to being named Most Valuable Player of the 2007 World Series, Lowell has proven his excellence and consistency on the field throughout his career.

Mike Lowell began his 13-year professional career with the New York Yankees but soon returned to his home State to play for the Florida Marlins where he was an integral part of the 2003 Championship team. Having grown up in Miami, he had the opportunity to play in front of family and friends. Later, he joined the Boston Red Sox, where he spent the rest of his career.

His time as a baseball player did not transpire without obstacles. Months into his first season with the Marlins, Lowell was diagnosed with testicular cancer. He missed 2 months of the 1999 season while he underwent treatment. But he survived and went on to have a tremendously successful career.

Both on and off the field Mike Lowell has gained the respect of his fellow players. With his two World Series rings, four-time All-Star participation, Gold Glove, more than 220 home runs and nearly 1,000 RBIs, he is a player to be admired. He has also proven his leadership in the clubhouse by utilizing his bilingual background to bridge the gap between English-speaking and Spanish-speaking players.

Many young boys dream of growing up to play baseball in the Major Leagues. Mike Lowell achieved that dream and is an inspiration for today's youth to continue to reach for their goals. While his career as a professional ballplayer will soon come to a close, Mike Lowell will always be remembered as one of baseball's greatest. I wish him many years of happiness with his wife Bertha and his two children, Alexis and Anthony.●

125TH ANNIVERSARY OF M. JACOB & SONS

●Mr. LEVIN. Mr. President, small businesses are the engines of our economy. They provide jobs; they provide services; and they serve as anchors that help to stabilize communities across our nation. It is in this spirit that I recognize M. Jacob & Sons, a business headquartered in Farmington Hills, MI, that embodies the drive, determination, and entrepreneurial spirit at the core of any successful enterprise. M. Jacob & Sons, which has earned a reputation for innovation and commitment to service, is celebrating its 125th anniversary this year.

Established by Max Jacob in 1885 as a one-man bottle exchange, the company has developed into a packaging leader with business operations spanning the globe. While their international expansion is impressive, of equal significance is their firm adherence to the family tradition on which the company was founded. They have recently ushered in the fifth generation of Jacob family involvement. Each generation has made important contributions to the company's success.

M. Jacob & Sons has a robust legacy of innovation. The company was one of the first businesses in the nation to develop a bottle recycling program. They were also one of the first to offer plastic packaging. And, I understand they were the first in their industry to hire a female salesperson, Elaine Jacob. Elaine went on to serve as an executive until her retirement in 1983. It is this type of forward thinking that has allowed M. Jacob & Sons to thrive for more than a century.

In addition to their pioneering business accomplishments, M. Jacobs & Sons also has been a generous member of the greater Detroit community.

Over the years, M. Jacob & Sons has contributed to a number of local charities. Most recently, in honor of their 125th anniversary, the company endowed a $125,000 scholarship to Wayne State University.

I know my colleagues join me in commending all those who have contributed to the success of M. Jacob & Sons over the last 125 years.●

REMEMBERING JOSEPH SHAWINSKY

●Mr. LIEBERMAN. Mr. President, I wish to pay tribute to the extraordinary life and service of Joseph Shawinsky, a teacher, a leader in our community, and personal hero of mine. Mr. Shawinsky was a true American patriot, a valued leader and teacher in the Stamford community who touched the lives of hundreds of students. Beloved for his enthusiasm and wit, his brilliant mind and big heart, Joseph Shawinsky will be missed deeply.

I knew Joseph Shawinsky for many years and have long treasured the example he set in his career of devoted service. As his student at Burdick Junior High School, Mr. Shawinsky made history come alive for me and my classmates and instilled in me a deep love of our country's story. He also taught me about the importance of leadership, how much good leaders could influence human history for the better. Mr. Shawinsky was himself a touchstone of the greatest generation and his own great story will inspire me and others around the country for years to come.

During the Second World War, Joe. Shawinsky served our country with courage and distinction as a Seabee in the 133rd Naval Construction Battalion. He was one of the first fighting Americans to go ashore during the 1945 assault on Iwo Jima, a battle in which some of the fiercest fighting in the Second World War took place a battle that revealed the uncommon courage of Joe Shawinsky and the Americans who served alongside him.

For decades, Joseph Shawinsky illuminated the hearts and minds of his students, his colleagues, and everyone who knew him. We, his students, were blessed with the opportunity to have learned from Joseph Shawinsky, and I believe more broadly that our State and this nation are blessed to have people like him who truly enrich our schools, our children, and our future.

My thoughts and prayers are with the entire Shawinsky family.●

TRIBUTE TO MICHAEL W. SHERMAN

●Mr. LIEBERMAN. Mr. President, I wish to commend and congratulate Michael W. Sherman upon his retirement as executive director of YMCA Camp Woodstock, located in Woodstock Valley, CT. Mike has been humbly shaping the lives of countless children and young adults in Connecticut's ''Quiet Corner'' since 1987, and he will leave his position after 24 years of service. He has dedicated his life to making Camp Woodstock a safe and fun place for our kids to learn how to respect one another's differences, become leaders in their communities, and be good stewards of our environment.

A gifted storyteller, Mike is known for his boundless creativity and enthusiasm. As his friends will tell you, when Mike speaks, people listen; and he has masterfully used this talent to inspire a very special culture at Camp Woodstock, embodied in its ''CHoRR'' values of Caring, Honesty, Respect, and Responsibility. A truly remarkable man, Mike Sherman's contributions to the growth and success of Camp Woodstock, along with his unwavering commitment to helping young people, are his enduring legacy.

During his tenure, Mike has helped transition Camp Woodstock to year-round programming, reaching out to community leaders throughout the State and deepening ties to the YMCA of Greater Hartford. Camp Woodstock now proudly hosts the Discovery Center, which brings together children from urban and suburban schools to learn tolerance and celebrate diversity, and Moderate Voices for Progress, which teaches conflict resolution skills to young Israeli and Palestinian adults. Mike has also taken a special interest in helping disadvantaged youth in Hartford, championing special youth outreach and conflict resolution retreats throughout the year. Over the years, he has led volunteers in raising nearly $1 million in financial aid so that less fortunate children throughout the State could experience the ''Woodstock spirit.''

Mike's most important contribution to Camp Woodstock has been his keen ability to recognize and nurture the human capital that makes Camp Woodstock so unique. Mike embraced a long tradition of campers growing up to become counselors and expanded on that concept by developing the leader-in-training and counselor-in-training programs for young adults. Also, under Mike's skillful leadership, Camp Woodstock has boosted its recruitment of international staff and has forged special relationships with YMCAs in Russia and the Dominican Republic.

Amid the tranquil pines of Woodstock and the calm shores of Black Pond, that have remained unchanged for generations, Mike has overseen the renovation and restoration of Camp Woodstock's facilities, including nearly all of the cabins, bathhouses, the Program Lodge, and the transformation of a beloved old barn into a program space containing an arts and crafts center, theater, and state-of-the-art indoor climbing wall. Mike's leadership has enabled Camp Woodstock to expand, as well, with the construction of a new climbing tower, the Roskin Lodge, for youth leadership training, the Lakeside Dining Hall, and, most recently, New Yurt City, a special living area for older campers.

I am honored today to pay tribute to Mike Sherman and wish him and his loving wife Susan all the best in their well-earned retirement. Mike has made Camp Woodstock a far better place; and, although he may be leaving as executive director, his lessons, like his stories, will live on for years to come. It is with great pride that I recognize such a distinguished leader, educator, and outstanding citizen for his service to Connecticut and the Nation.●

TIMBERFEST 2010

● Mrs. LINCOLN. Mr. President, today I congratulate the residents of Sheridan in my home State of Arkansas as they celebrate Timberfest, a time-honored tradition that commemorates Sheridan and Grant County's long-standing involvement with the timber industry. As many as 12,000 visitors are expected in Sheridan during the event, which will take place Friday and Saturday, October 1–2.

Timberfest began in 1984 when members of the local Chamber of Commerce decided to combine the annual bluegrass festival and merchants' fair into one event.

Centered on the Grant County Courthouse Square, Timberfest offers a variety of events for the entire family, including a parade, 5K Run and 2K Walk, horseshoe tournament, talent show, games, petting zoo, Dutch Oven cook-off, music, and pancake breakfast.

The highlight of Timberfest is the Arkansas State Lumberjack Championships. Lumberjacks from across the country travel to Sheridan to compete in the championship, where competitors battle it out with ax and chainsaw to see who is fastest at cutting wood.

I salute the entire community of Sheridan and Grant County as they celebrate Timberfest 2010. I commend them for keeping the history and heritage of their community alive.●

ARKANSAS'S BUSINESS LEADERS

● Mrs. LINCOLN. Mr. President, today I recognize four Arkansas business leaders who will be inducted into the Arkansas Business Hall of Fame early next year. They are L. Dickson Flake, cofounder and chairman of Colliers International-Arkansas in Little Rock; Wallace Fowler, chairman and chief executive officer of Liberty Bank of Arkansas and also Fowler Foods, both based in Jonesboro; Donald Soderquist, retired senior vice chairman of Wal-Mart Stores of Bentonville; and Leland Tollett, former chairman and chief executive of Tyson Foods of Springdale.

The Sam M. Walton College of Business established the first ever Arkansas Business Hall of Fame recognizing Arkansans—by birth or by choice—who have been successful business leaders. The Arkansas Business Hall of Fame is designed to honor, preserve and perpetuate the names and outstanding accomplishments of business leaders who have brought lasting fame to Arkansas.

This year's Hall of Fame class represents the best of our State, and I am proud to see them receive this significant achievement. Not only do they exemplify excellence in their chosen field, they also represent the highest standards of ethics and community service. I thank them for their contributions, along with the contributions of all business leaders in our great State.●

TRIBUTE TO BILLY AND DIANN SIMMONS

● Mrs. LINCOLN. Mr. President, today I honor Billy and Diann Simmons from my home State of Arkansas for their exemplary efforts to support foster children in our State. I am proud to recognize them as my choice for this year's ''Angel in Adoption'' for Arkansas. They join adoption advocates from across the Nation who have received this prestigious recognition.

The Angels in Adoption program, sponsored by the Congressional Coalition on Adoption Institute, provides Members of Congress the opportunity to honor those who have made an extraordinary contribution on behalf of children in need of homes.

The Simmons are certainly worthy of this recognition. Diann Simmons became a therapeutic foster parent in 1997 and persuaded her soon-to-be spouse to join her in this noble endeavor prior to their marriage in 1998. The Simmons' have now been therapeutic foster parents for 13 years and have significant experience fostering children with difficult behaviors.

Despite their experiences with children with challenging emotional and behavioral difficulties, they love children and maintain a sense of strong family values. These values have resulted in the adoption of seven children, including two sibling groups of two. Their most recent adoption was finalized this year.

Because of their experience, flexibility, strong family values and their belief in the potential for every child, they have been successful in changing the lives of numerous children. According to those who know them best, the Simmons have developed a strong bond with every child placed in their home. In fact, four of their adopted children were in their home as foster children prior to adoption.

Affectionately called ''Mama Diann'' and ''Daddy Billy,'' the Simmons' commitment, genuine concern and caring for their foster children has endeared them to many of these children's birth families, including families of their own adopted children.

I commend both Diann and Billy for their dedication and perseverance helping children in need. They represent the best of Arkansas, and I commend them for their work on behalf of Arkansas's children.●

TRIBUTE TO PHIL E. MATTHEWS

● Mrs. LINCOLN. Mr. President, today I recognize Phil E. Matthews for his dedicated years of service at the Arkansas Hospital Association. His efforts on behalf of our State's hospitals are to be commended, and I thank him for his efforts to maintain high-quality hospital care for the citizens of Arkansas.

Phil has been a part of the Arkansas Hospital Association, known as AHA, since 1969 and was named president in 2005. During his tenure, he has worked hard to cultivate constructive relationships with State and Federal legislators in order to achieve great results for Arkansas. He has reinforced the AHA as a trusted partner for Arkansas hospitals and other health care providers and entities from all across the State.

In recent years, the AHA has helped to pass laws on the State level that will enhance the health of and health care services for Arkansans, including for the development of a statewide trauma care system, expansion of health insurance coverage for more than 6,000 additional children through ARKids, and public health initiatives that will increase seatbelt usage and decrease tobacco use in the State.

On the Federal level, it has been my pleasure to work closely with Phil and the AHA to develop and pass policies to expand health insurance coverage to more than 400,000 Arkansans, grow the health care workforce in Arkansas, modernize health care delivery and the use of health information technologies, and preserve the viability and valuable role of Arkansas's community hospitals. Together, we have fought back on policies that might have had a negative impact or unintended consequence for Arkansas hospitals, providers, and patients, and we have worked to advance policies that are best for our great State.

I am extremely proud of Phil's and the AHA's efforts to help Arkansas hospitals provide quality care to their patients, provide charity care for those in need, serve refugees of gulf coast hurricanes and other natural disasters, and play an active role in improving health care coverage and quality in Arkansas. I wish Phil all the very best in his retirement, and to Bo Ryall, who will serve as his successor as president of the AHA.●

ARKANSAS'S TRAUMA CENTERS

● Mrs. LINCOLN. Mr. President, today I recognize Arkansas's newly established trauma system, and I commend three facilities in the State for garnering the highest designations of trauma care.

The University of Arkansas for Medical Sciences in Little Rock and the Regional Medical Center in Memphis were selected to provide the highest level of trauma care under the system, which is aimed at getting patients specialized care in emergency situations. Jefferson Regional Medical Center in Pine Bluff was designated a Level 2 center, which can provide comprehensive clinical care.

The new system will connect hospitals, ambulance services and other emergency responders to act as a statewide triage, transporting trauma patients as quickly as possible to the facility best able to treat their specific injuries. Furthermore, it will help elevate Arkansas's status nationwide in terms of large-scale emergency management and disaster preparedness capabilities.

Eighty-six hospitals in Arkansas could eventually become a part of the new trauma system. Of those, 73 have already begun the process by filing letters of intent to request designation as one of the four levels of centers.

I commend all of Arkansas's health care providers for their dedicated efforts to save lives and keep Arkansans safe, healthy and strong. With this new trauma system, Arkansas has achieved a new level of high quality care, and I am pleased to see our State attain this significant designation.●

IRON COUNTY COURTHOUSE

● Mrs. MCCASKILL. Mr. President, I ask the Senate to join me in honoring the 150th anniversary of the completion and opening of the Iron County Courthouse in Ironton, MO.

Chosen as the county seat in 1857, Ironton is home to the only courthouse in Iron County. Ironton businessmen David Carson and Hiram Tong donated town lots to the county, which covered more than $10,000 of the $14,000 cost of the courthouse.

Architect Henry H. Wright received $25 for his proposed design of the building. George S. Evans and William F. Mitchell earned the building contract and used locally made red brick and white limestone from a nearby quarry. The original building measured 50 by 65 feet, with 6 rooms on the first floor and the courtroom on the second floor. The community laid the cornerstone on July 4, 1858, and officially opened the courthouse in October 1860.

The courthouse today serves as the home of several county offices and is a national registered historic site that still bears damage from the Civil War and the Battle of Pilot Knob in September 1864.

As the birthplace of Missouri's 4–H Program and a symbol of the commitment of the residents of Iron County to justice and service to the community, the Iron County Courthouse deserves commemoration on this important day in its history.

I ask that the Senate join me in recognizing the 150th anniversary of the Iron County Courthouse.●

TRIBUTE TO SHANNON MCDANIEL

● Mrs. MURRAY. Mr. President, today I wish to congratulate a hard-working

Washingtonian, Mr. Shannon McDaniel, on his well-deserved retirement on October 29, 2010, after 30 years of dedicated service to Washington State agriculture.

As the manager of the South Columbia Basin Irrigation District, Mr. McDaniel has overseen the provision of water to 4,000 landowners and farm operators on 230,000 acres of farm and ranch lands in eastern Washington. Through his leadership and extensive knowledge of irrigated agriculture, Mr. McDaniel has brought certainty to many farmers in the South Columbia Basin Irrigation District by closely and responsibly managing important water delivery infrastructure.

Mr. McDaniel has assisted me and my colleagues in Congress with the drafting and passage of legislation important to Washington State farmers. He worked closely with both the State and Federal Government to foster strong working relationships with organizations such as the Bureau of Reclamation and the Bonneville Power Administration, as well as with numerous water resource and industry associations to ensure the highest quality of service to farmers and ranchers. Shannon also served as an invaluable resource to the Grand Coulee Project Hydroelectric Authority, the Columbia Basin Development League and the Columbia Basin Project.

The abundance of awards and honors that Mr. McDaniel has received demonstrate his hard work and commitment to Washington State. He has received many prestigious awards including, the National Water Resources Association President's Award, the Washington State Water Resources Association Water Resources Leadership Award and the Bonneville Power Administration's Administrator's Excellence Award for Exceptional Public Service.

On behalf of all Washingtonians, I commend Shannon for his many years of dedicated service to our State. His knowledge, experience, and commitment to dependable irrigation will be sorely missed. I congratulate Shannon and wish him the best of luck in his future endeavors.●

NEW HAMPSHIRE 2010 BLUE RIBBON SCHOOL AWARD WINNERS

●Mrs. SHAHEEN. Mr. President, today I wish to congratulate the Bath Village School and the Hollis/Brookline High School, respectively, for being recognized for their commitment to quality education and the outstanding educational achievements of their students. The Bath Village School and the Hollis/Brookline High School have been designated as 2010 National Blue Ribbon schools, one of the most prestigious honors bestowed upon our Nation's elementary, middle, and high schools.

Each year the Blue Ribbon Schools Program acknowledges exceptional public and private schools whose students either perform at a high level or achieve significant improvements in performance having come from disadvantaged backgrounds. Blue Ribbon schools stand out among their peers as examples of excellence in K–12 education. By setting high academic goals and enabling students to attain them, the Bath Village School and the Hollis Brookline High School have opened up a world of academic and professional opportunities for the next generation of young people.

It is important that we celebrate the efforts of teachers and administrators at schools such as the Bath Village School and the Hollis/Brookline High School and recognize the invaluable contribution they have made to the lives of New Hampshire's children. I am extremely proud that the Bath Village School and the Hollis/Brookline High School have each been honored with this prestigious award.●

RECOGNIZING DARLING'S AUTO

● Ms. SNOWE. Mr. President, our Nation's 27.5 million small businesses all have their own unique characteristics and touching stories. Today, I rise to recognize the contributions of one of those small businesses from my home State of Maine—Darling's Auto that not only has provided exceptional service to greater Bangor but has also invested its time and heart into the community itself.

Darling's Auto has been ingrained in Bangor since 1903, when it first began selling cars, trucks, and bicycles. Over a century later, through hard work and care for the customer, Darling's Auto has become one of Maine's largest auto dealership groups, with additional locations in Brewer, Ellsworth, and Augusta. For over 100 years, Darling's Auto has provided Mainers with the vehicles they use every day to go to work, visit their loved ones, and embark on new journeys. Over the years, Darling's has employed hundreds of Mainers and has earned a reputation of excellence and integrity throughout eastern and central Maine.

Darling's Auto's rich history of perseverance and innovation alone would merit distinction. Yet, today, I honor Darling's Auto for an exemplary and magnanimous gesture that is truly inspirational. Maine is among the States with the highest percentage of military servicemembers per capita. When our servicemembers are deployed, the effects reverberate throughout families, businesses, and communities. Fortunately, Mainers have a reputation for taking care of one another in difficult times, and Darling's Auto certainly has fit that mold.

One of Darling's Auto's valued employees, Susan Maiden, is the mother of PFC Andrew ''Andy'' Chic. Susan typifies Maine's famed work ethic and independent spirit, values which she instilled in her son. Andy volunteered to join the National Guard and most recently was deployed to Afghanistan with Bravo Company, Third Battalion of the 172nd Infantry Division with the Maine National Guard. During his heroic service in Afghanistan, Andy's company was ambushed by insurgents.

On May 22, 2010, Bravo Company was conducting convoy operations with Private First Class Chic in the ''gunner'' position in the lead vehicle of a convoy—a Mine Resistant, Ambush Protected—MRAP—vehicle. Private First Class Chic's MRAP sustained two direct hits from rocket-propelled grenades, or RPGs, and other small arms weapons. While he was knocked down when the first RPG hit, he resumed his gunner position and returned fire against insurgents despite continuing RPG and small arms fire against his MRAP and the convoy. The vehicle was also carrying satchels of mail and care packages from family members in Maine, which absorbed some of the shrapnel and mitigated the injuries to Private First Class Chic and his fellow soldiers.

Following the barbaric attack, Andy was taken to Walter Reed Medical Center to address his wounds and for rehabilitation. Knowing the concern and anxiousness any mother would have in Susan's situation, Darling's Auto stood up and gave assistance to Susan. The company has provided tremendous support to Susan during her time of need by giving her extra time off to see Andy and even purchasing an EZ Pass to help with Susan's expenses when she would drive all the way to Washington, DC, to visit her son. In light of Darling's Auto's understanding and assistance, the Employer Support of the Guard and Reserve will soon be presenting Darling's Auto with its ''Above and Beyond Award,'' honoring those who help Guard members and Reservists, and their families, in times of need. Given the tremendous care and compassion extended for Susan and Andy's well-being, I can think of no business more deserving of this tremendous recognition than Darling's.

Darling's Auto has been a consistent presence in the Bangor community for over a century, and the company has thrived over that time because it operates in a manner consistent with Maine values. Darling's has treated its customers and employees with honesty, respect, and compassion, building a legacy of trust. I am so often reminded of the empathy that Mainers demonstrate, and it always reaffirms my belief in the exceptional nature of our State and our Nation. I am proud of the incredible example that Darling's Auto has set by its notable acts of kindness, and I wish the company another 100 years of success in all of its endeavors.●

RECOGNIZING 3RD RECON ASSOCIATION

● Mr. THUNE. Mr. President, today I wish to recognize the 3rd Recon Association. The 3rd Recon Association is a nonprofit veteran's organization made

up of marines and Navy corpsmen who served in the 3rd Reconnaissance Battalion, in dedication to their involvement in the Republic of Vietnam from 1961 through 1971. The 3rd Recon Association was formed to honor the brotherhood they forged in Vietnam and to remember those who gave the ultimate sacrifice.

Today I not only honor the dedication and sacrifice of these noble Americans, but also commemorate their association's 2010 Reunion, to be held October 13–17, in Lead/Deadwood, SD. ''Swift, Silent, and Deadwood'' is an event properly named after the reconnaissance motto ''Celer-Silens-Mortalis'': ''Swift-Silent-Deadly.'' This 4 day event will feature memorial services and social events, along with company and auxiliary meetings.

I voice my most heartfelt and sincere thanks to the members of the 3rd Recon Association for their sacrifice and service to our country. I would like to welcome them to the great State of South Dakota, and wish them the best for their 2010 reunion and in all future endeavors.●

SOUTH DAKOTA AIR NATIONAL GUARD'S 114TH FIGHTER WING

● Mr. THUNE. Mr. President, today I wish to recognize the South Dakota Air National Guard's 114th Fighter Wing. This elite group has been awarded the National Guard Bureau's Maj. Gen. Winston P. Wilson trophy, honoring them as the best Air National Guard fighter unit in the Nation. I am proud that the 114th ''Fightin' Lobos'' have brought this great honor back to South Dakota, having also won it in 1981, 1983, and 2007.

The National Bureau's Maj. Gen. Winston P. Wilson trophy is given to the most outstanding unit equipped with jet fighter or reconnaissance aircraft. The award is named for a former chief of the National Guard Bureau credited with ensuring readiness of Guard units to join regular forces on overseas missions.

The squadron was formed in 1946, when Joseph J. ''Joe'' Foss, a Medal of Honor winner and Marine Ace, was appointed to form a South Dakota Air National Guard squadron to help recruit and train flight crews. Since then, the unit has served as part of the Air Expeditionary Force, and actively supported Operation Noble Eagle, Operations Enduring Freedom, Iraqi Freedom, and the global war on terrorism.

In times of local crisis, the squadron has lent its men and women to respond to blizzards, floods, fires, and tornados, remaining ''Proud, Prepared, and Professional'' in its committed service to state and country.

Today I give great thanks to the men and women of the 114th ''Fightin' Lobos'' for being named the top fighter unit in the nation and for their outstanding service to the great State of South Dakota and the United States of America.

UNIVERSITY CORPORATION FOR ATMOSPHERIC RESEARCH

Mr. UDALL of Colorado. Mr. President, today I congratulate the University Corporation for Atmospheric Research—UCAR—on the 50th anniversary of its founding in Boulder, CO. As the world's premier atmospheric science hub, UCAR has been on the cutting edge of research and innovation for half a century. They have made invaluable contributions to our knowledge and understanding of the world's atmosphere and weather and climate systems.

At its inception, UCAR was a consortium of 14 universities dedicated to the simple hypothesis that university atmospheric science could be more effective through collaborative efforts. UCAR set about improving national coordination, funding, and basic support for the then burgeoning field of atmospheric research.

Since then, with invaluable Federal support from the National Science Foundation, UCAR has grown to a consortium of 75 universities, including the University of Colorado, Colorado State University, and the University of Denver. Similarly, the National Center for Atmospheric Research, NCAR, which is the research institute operated by UCAR, has grown from five full-time scientists to 220 Ph.D. researchers today.

UCAR established three main goals for itself in order to understand the behavior of the atmosphere and related physical, biological and social systems. These goals remain at the heart of their efforts today.

First, NCAR was to be an intellectual center cultivating world-class basic science in-house and through cooperative work with scientists from other institutions in the United States, Canada, and abroad.

Second, UCAR was to become a planning center where the world's leading atmospheric science experts could gather to discuss and determine the most promising strategies for understanding the major problems of atmospheric science.

Lastly, UCAR would provide and operate the research facilities needed for atmospheric science when those facilities were too large, expensive, or complicated for a single university or research institution to manage by itself.

By meeting these goals every day, UCAR has made itself an undeniable global leader in climate science.

As you drive west on U.S. Highway 36 near Louisville, CO, you start to climb Davidson Mesa. Just as you crest the mesa, you come upon an extraordinary scene: the foothills of the Rocky Mountains stretched out on the horizon before you with the city of Boulder below. Off to your left, perched on a hilltop beneath the majestic Flatirons, is UCAR's Mesa lab, housed in a pink sandstone, I.M. Pei-designed building. This sight never ceases to impress. That you are looking at the world's leading atmospheric research center is even more astounding.

I am proud to represent a State with such a talented and dedicated organization. They have helped make Colorado a leader in science and technology. They have been instrumental in educating the public on the science of climate change and informing our response to it. And they are helping create and inspire the next generations of scientists and engineers to tackle the unanswered questions of their time.

Again, I offer my sincere congratulations to UCAR and look forward to the next 50 years of discovery.●

AMENDMENTS SUBMITTED AND PROPOSED

SA 4673. Mr. WYDEN (for himself, Mr. DURBIN, Mrs. HAGAN, Mr. KERRY, Mr. SANDERS, Mr. TESTER, Mr. MERKLEY, and Mr. GOODWIN) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4674. Mr. INOUYE proposed an amendment to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes.

SA 4675. Mr. LEMIEUX (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3081, supra; which was ordered to lie on the table.

SA 4676. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4674 proposed by Mr. INOUYE to the bill H.R. 3081, supra.

SA 4677. Mr. DEMINT proposed an amendment to amendment SA 4674 proposed by Mr. INOUYE to the bill H.R. 3081, supra.

SA 4678. Mr. WYDEN (for himself, Mrs. LINCOLN, Mrs. SHAHEEN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3663, to promote clean energy jobs and oil company accountability, and for other purposes; which was ordered to lie on the table.

SA 4679. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3663, supra; which was ordered to lie on the table.

SA 4680. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4681. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3813, to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes; which was ordered to lie on the table .

SA 4682. Mr. INOUYE proposed an amendment to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes.

SA 4683. Mr. REID (for Mr. DEMINT) proposed an amendment to the resolution of ratification for Treaty Doc. 110–21, Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague on November 23, 2007, and signed by the United States on that same date.

SA 4684. Ms. CANTWELL proposed an amendment to the bill H.R. 3619 , to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.

SA 4685. Mr. DURBIN (for Mr. CORNYN) proposed an amendment to the bill S. 3774, to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

SA 4686. Mr. DURBIN (for Ms. CANTWELL) proposed an amendment to the bill H.R. 1061, to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

SA 4687. Mr. DURBIN (for Mr. WHITEHOUSE) proposed an amendment to the bill S. 2847, to regulate the volume of audio on commercials.

SA 4688. Mr. DURBIN (for Mr. LAUTENBERG) proposed an amendment to the bill S. 685, to require new vessels for carrying oil fuel to have double hulls, and for other purposes.

SA 4689. Mr. DURBIN (for Mr. AKAKA (for himself and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 1722, to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes.

SA 4690. Mr. DURBIN (for Mr. CHAMBLISS) proposed an amendment to the concurrent resolution S. Con. Res. 52, expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians.

TEXT OF AMENDMENTS

SA 4673. Mr. WYDEN (for himself, Mr. DURBIN, Mrs. HAGAN, Mr. KERRY, Mr. SANDERS, Mr. TESTER, Mr. MERKLEY, and Mr. GOODWIN) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 526. TEMPORARY RETENTION ON ACTIVE DUTY AFTER DEMOBILIZATION OF RESERVES FOLLOWING EXTENDED DEPLOYMENTS IN CONTINGENCY OPERATIONS OR HOMELAND DEFENSE MISSIONS.

(a) TEMPORARY RETENTION ON ACTIVE DUTY.—

(1) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions

''(a) IN GENERAL.—Subject to subsection (d), a member of a reserve component of the armed forces described in subsection (b) shall be retained on active duty in the armed forces for a period of 45 days following the conclusion of the member's demobilization from a deployment as described in that subsection, and shall be authorized the use of any accrued leave.

''(b) COVERED MEMBERS.—A member of a reserve component of the armed forces described in this subsection is any member of a reserve component of the armed forces who was deployed for more than 269 days under the following:

''(1) A contingency operation.

''(2) A homeland defense mission (as specified by the Secretary of Defense for purposes of this section).

''(c) PAY AND ALLOWANCES.—Notwithstanding any other provision of law, while a member is retained on active duty under subsection (a), the member shall receive—

''(1) the basic pay payable to a member of the armed forces under section 204 of title 37 in the same pay grade as the member;

''(2) the basic allowance for subsistence payable under section 402 of title 37; and

''(3) the basic allowance for housing payable under section 403 of title 37 for a member in the same pay grade, geographic location, and number of dependents as the member.

''(d) EARLY RELEASE FROM ACTIVE DUTY.—(1) Subject to paragraph (2), at the written request of a member retained on active duty under subsection (a), the member shall be released from active duty not later than the end of the 14-day period commencing on the date the request was received. If such 14-day period would end after the end of the 45-day period specified in subsection (a), the member shall be released from active duty not later than the end of such 45-day period.

''(2) The request of a member for early release from active duty under paragraph (1) may be denied only for medical or personal safety reasons. The denial of the request shall require the affirmative action of an officer in a grade above O–5 who is in the chain of command of the member. If the request is not denied before the end of the 14-day period applicable under paragraph (1), the request shall be deemed to be approved, and the member shall be released from active duty as requested.

''(e) REINTEGRATION COUNSELING AND SERVICES.—(1) The Secretary of the military department concerned shall provide each member retained on active duty under subsection (a), while the member is so retained on active duty, counseling and services to assist the member in reintegrating into civilian life.

''(2) The counseling and services provided members under this subsection shall include the following:

''(A) Physical and mental health evaluations.

''(B) Employment counseling and assistance.

''(C) Marriage and family counseling and assistance.

''(D) Financial management counseling.

''(E) Education counseling.

''(F) Counseling and assistance on benefits available to the member through the Department of Defense and the Department of Veterans Affairs.

''(3) The Secretary of the military department concerned shall provide, to the extent practicable, for the participation of appropriate family members of members retained on active duty under subsection (a) in the counseling and services provided such members under this subsection.

''(4) The counseling and services provided to members under this subsection shall, to the extent practicable, be provided at National Guard armories and similar facilities close the residences of such members.

''(5) Counseling and services provided a member under this subsection shall, to the extent practicable, be provided in coordination with the Yellow Ribbon Reintegration Program of the State concerned under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title is amended by adding at the end the following new item:

''12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions.''.

(b) FUNDING FOR FISCAL YEAR 2011.—Amounts required during fiscal year 2011 for the retention of members of reserve components of the Armed Forces on active duty pursuant to section 12323 of title 10, United States Code (as added by subsection (a)), shall be derived from amounts authorized to be appropriated for the Department of Defense for that fiscal year for operation and maintenance for Defense-wide activities (other than amounts authorized to be appropriated to that account for activities of the reserve components of the Armed Forces).

SA 4674. Mr. INOUYE proposed an amendment to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2011, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80).

(2) Division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118).

(3) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85).

(4) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111–212).

(5) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111–88).

(6) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111–68).

(7) The Consolidated Appropriations Act, 2010 (Public Law 111–117).

(8) Chapter 3 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212), except for appropriations under the heading ''Operation and Maintenance'' relating to Haiti following the earthquake of January 12, 2010, or the Port of Guam: *Provided*, That the amount provided for the Department of Defense pursuant to this paragraph shall not exceed a rate for operations of $29,387,401,000: *Provided further*, That the Secretary of Defense shall allocate such amount to each appropriation account, budget activity, activity group, and subactivity group, and to each program, project, and activity within each appropriation account, in the same proportions as such appropriations for fiscal year 2010.

(9) Section 102(c) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212) that addresses guaranteed loans in the rural housing insurance fund.

(10) The appropriation under the heading ''Department of Commerce—United States Patent and Trademark Office'' in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111–224).

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2010 or prior years; (2) the increase in production rates above those sustained with fiscal year 2010 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2010.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2010.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2011, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2011 without any provision for such project or activity; or (3) December 3, 2010.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2011 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2010, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2010 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2010, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. The following amounts are designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010:

(1) Amounts incorporated by reference in this Act that were previously designated as available for overseas deployments and other activities pursuant to such concurrent resolution.

(2) Amounts made available pursuant to paragraph (8) of section 101 of this Act.

SEC. 115. Notwithstanding any other provision of this Act, funds appropriated under the heading ''Food for Peace Title II Grants'' in chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212) may be used to reimburse obligations incurred for the purposes provided therein prior to the enactment of such Act.

SEC. 116. The authority provided by section 18(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)(5)) shall continue in effect through the earlier of the date of enactment of an authorization Act related to the Richard B. Russell National School Lunch Act or the date specified in section 106(3) of this Act.

SEC. 117. Notwithstanding section 101, amounts are provided for ''Department of Commerce—Bureau of the Census—Periodic Censuses and Programs'', for necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, at a rate for operations of $964,315,000.

SEC. 118. The authority provided by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2518), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. Notwithstanding subsection (b) of section 310 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1870), a claim described in that subsection that is submitted before the date specified in section 106(3) of this Act shall be treated as a claim for which payment may be made under such section 310.

SEC. 120. (a) RESCISSION.—The unobligated balance of authority provided for investigations under the heading ''Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, Investigations'', in chapter 4 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212; 124 Stat. 2312) is rescinded as of the date of enactment of this Act.

(b) APPROPRIATION.—Notwithstanding any other provision in this Act—

(1) there is appropriated to the Department of the Army, Corps of Engineers, an amount equal to the unobligated balance rescinded by subsection (a), to remain available until expended, for investigations;

(2) that such amount be available on the date of enactment of this Act; and

(3) the amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 121. (a) RESCISSION.—The unobligated balance of authority provided for in section 401 of chapter 4 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212; 124 Stat. 2313) for drought emergency assistance is rescinded as of the date of enactment of this Act.

(b) APPROPRIATION.—Notwithstanding any other provision in this Act—

(1) there is appropriated to the Bureau of Reclamation, an amount equal to the unobligated balance rescinded by subsection (a), to remain available until expended, for drought emergency assistance: *Provided,* That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West;

(2) that such amount be available on the date of enactment of this Act; and

(3) the amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 122. Notwithstanding section 101, amoutns are provided for ''Department of Energy—Weapons Activities'' at a rate for operations of $7,008,835,000.

SEC. 123. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds for programs and activities under the heading ''District of Columbia Funds'' for such programs and activities under title IV of S. 3677 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under ''District of Columbia Funds'' as included in the Fiscal Year 2011 Budget Request Act (D.C. Act 18–448), as modified as of the date of the enactment of this Act.

SEC. 124. Section 550(b) of Public Law 109–295, as amended by section 550 of Public Law

111–83, shall be applied by substituting the date specified in section 106(3) of this Act for ''October 4, 2010''.

SEC. 125. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2010''.

SEC. 126. Any funds made available pursuant to section 101 for the Federal Air Marshals may be obligated at a rate for operations not exceeding that necessary to sustain domestic and international flight coverage at the same level as the final quarter of fiscal year 2010.

SEC. 127. Any funds made available pursuant to section 101 for U.S. Customs and Border Protection may be obligated at a rate for operations not exceeding that necessary to sustain the numbers of personnel in place in the final quarter of fiscal year 2010. The Commissioner of U.S. Customs and Border Protection shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 128. Notwithstanding section 101, amounts are provided for ''Department of the Interior—Minerals Management Service—Royalty and Offshore Minerals Management'' at a rate for operations of $365,000,000: *Provided*, That amounts provided herein from the general fund shall be reduced in an amount not to exceed $154,890,000, as receipts from increases to rates in effect on August 5, 1993, and from cost recovery fees are received: *Provided further*, That of the prior-year unobligated balances available for ''Department of the Interior—Minerals Management Service—Royalty and Offshore Minerals Management'', $25,000,000 are rescinded.

SEC. 129. Section 2(e)(1)(B) of Public Law 109–129 shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2010''.

SEC. 130. From funds transferred to ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund'' by Public Law 111–117 in the fourth paragraph under such heading, amounts shall be available through the date specified in section 106(3) of this Act to support advanced research and development pursuant to section 319L of the Public Health Service Act, at a rate for operations of $305,000,000.

SEC. 131. (a) EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.—Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs established under subsection (c) of section 403 of such Act) shall continue through the date specified in section 106(3) of this Act in the manner authorized for fiscal year 2010, subject to the amendments made by subsection (b) of this section, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the applicable portion of the first quarter of fiscal year 2011 at the pro rata portion of the level provided for such activities through the first quarter of fiscal year 2010.

(b) CONFORMING AMENDMENTS.—

(1) SUPPLEMENTAL GRANTS FOR POPULATION INCREASES.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended to read as follows:

''(ii) subparagraph (G) shall be applied as if 'the date specified in section 106(3) of the Continuing Appropriations Act, 2011' were substituted for 'fiscal year 2001'; and''.

(2) CONTINGENCY FUND.—

(A) DEPOSIT INTO FUND.—Section 403(b)(2) of such Act (42 U.S.C. 603(b)(2)) is amended—

(i) by striking ''fiscal years 1997'' and all that follows through ''2003'' and inserting ''fiscal years 2011 and 2012''; and

(ii) by striking ''$2,000,000,000'' and inserting '', in the case of fiscal year 2011, $506,000,000 and in the case of fiscal year 2012, $612,000,000''.

(B) CONFORMING AMENDMENT.—Section 403(b)(3)(C)(ii) of such Act (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking ''fiscal years 1997 through 2010 shall not exceed the total amount appropriated pursuant to paragraph (2)'' and inserting ''fiscal year 2011 and 2012, respectively, shall not exceed the total amount appropriated pursuant to paragraph (2) for each such fiscal year''.

(3) MAINTENANCE OF EFFORT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(A) in subparagraph (A), by striking ''or 2011'' and inserting ''2011, or 2012''; and

(B) in subparagraph (B)(ii), by striking ''2010'' and inserting ''2011''.

SEC. 132. Activities authorized by section 429 of the Social Security Act shall continue through September 30, 2011, in the manner authorized for fiscal year 2010, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through fiscal year 2011 at the level provided for such activities for the corresponding quarter of fiscal year 2010.

SEC. 133. Effective October 1, 2010, subpart 2 of part B of title IV of the Social Security Act is amended—

(1) in section 436 (42 U.S.C. 629f)—

(A) in subsection (a)—

(i) by striking ''2011'' and inserting ''2010''; and

(ii) by inserting before the period the following: '', and $365,000,000 for fiscal year 2011''; and

(B) by striking ''$10,000,000'' in subsection (b)(2) and inserting ''$30,000,000''; and

(2) in section 438 (42 U.S.C. 629h)—

(A) by striking ''2010'' in subsection (c)(2)(A) and inserting ''2011''; and

(B) by adding at the end of subsection (e) the following flush sentence: ''For fiscal year 2011, out of the amount reserved pursuant to section 436(b)(2) for such fiscal year, there are available $10,000,000 for grants referred to in subsection (b)(2)(B), and $10,000,000 for grants referred to in subsection (b)(2)(C).''.

SEC. 134. Notwithstanding any other provision of this Act, for payment in equal shares to the children and grandchildren of Robert C. Byrd, $193,400 is appropriated.

SEC. 135. Notwithstanding section 101, amounts are provided for deposit into ''Department of Defense Base Closure Account 2005'' at a rate for operations of $2,354,285,000.

SEC. 136. Notwithstanding section 101, amounts are provided for ''Department of State—Administration of Foreign Affairs—Diplomatic and Consular Programs'' at a rate for operations of $8,601,000,000.

SEC. 137. Notwithstanding section 101, amounts are provided for ''International Security Assistance—Funds Appropriated to the President—Foreign Military Financing Program'' at a rate for operations of $5,160,000,000, of which not less than $2,775,000,000 shall be available for grants only for Israel, not less than $1,300,000,000 shall be available for grants only for Egypt, and not less than $300,000,000 shall be available for assistance for Jordan: *Provided*, That the dollar amount in the fourth proviso under such heading in title IV of division F of Public Law 111–117 shall be deemed to be $729,825,000.

SEC. 138. (a) Notwithstanding section 101, amounts are provided for ''International Security Assistance—Funds Appropriated to the President—Pakistan Counterinsurgency Capability Fund'' at a rate for operations of $700,000,000.

(b) Amounts provided by subsection (a) shall be available to the Secretary of State under the terms and conditions provided for this Fund in Public Law 111–32 and Public Law 111–212 through the date specified in section 106(3) of this Act.

SEC. 139. Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2010''.

SEC. 140. (a) Section 1115(d) of Public Law 111–32 shall be applied by substituting the date specified in section 106(3) of this Act for ''October 1, 2010''.

(b) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting the date specified in section 106(3) of this Act for ''October 1, 2010'' in paragraph (2).

(c) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting the date specified in section 106(3) of this Act for ''October 1, 2010'' in paragraph (2).

(d) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting the date specified in section 106(3) of this Act for ''October 1, 2010'' in subparagraph (B).

SEC. 141. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 106(3) of this Act.

SEC. 142. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed a rate for operations of $20,000,000,000: *Provided*, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at $80,000,000 multiplied by the number of days covered by this Act.

SEC. 143. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of: (1) the date specified in section 106(3) of this Act; or (2) the date of the enactment into law of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

SEC. 144. Notwithstanding any other provision of law or of this Act, for mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

SEC. 145. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 620), notwithstanding any other provision of law or of

this Act, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section 203(b)(2) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this Act, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

SEC. 146. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages originated during fiscal year 2011, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1754(a)(2)) respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 619), notwithstanding any other provision of law or of this Act, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this Act, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during fiscal year 2011, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(1)(B) of the Economic Stimulus Act of 2008.

This Act may be cited as the ''Continuing Appropriations Act, 2011''.

SA 4675. Mr. LEMIEUX (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

WATER QUALITY STANDARDS FOR THE STATE OF FLORIDA'S LAKES AND FLOWING WATERS

SEC. _____. None of the funds appropriated or otherwise made available by this Act or any other provision of law may be used to finalize, promulgate, implement, administer, or enforce any final rule or requirement based on the proposed rule entitled ''Water Quality Standards for the State of Florida's Lakes and Flowing Waters'' (75 Fed. Reg. 4174, January 26, 2010).

SA 4676. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4674 proposed by Mr. INOUYE to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; as follows:

Strike section 101 and insert the following:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) Division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118)

(2) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111–212).

(3) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010, division E of the Consolidated Appropriations Act, 2010 (Public Law 111–117).

(4) Chapter 3 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212), except for appropriations under the heading ''Operation and Maintenance'' relating to Haiti following the earthquake of January 12, 2010, or the Port of Guam: *Provided,* That the amount provided for the Department of Defense pursuant to this paragraph shall not exceed a rate for operations of $29,387,401,000: *Provided further*, That the Secretary of Defense shall allocate such amount to each appropriation account, budget activity, activity group, and subactivity group, and to each program, project, and activity within each appropriation account, in the same proportions as such appropriations for fiscal year 2010.

(5) Section 102(c) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212) that addresses guaranteed loans in the rural housing insurance fund.

(6) The appropriation under the heading ''Department of Commerce—United States Patent and Trademark Office'' in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111–224).

(b) Such amounts as may be necessary, at a rate for operations 5 percent less than the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80).

(2) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85).

(3) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111–88).

(4) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111–68).

(5) The Consolidated Appropriations Act, 2010 (Public Law 111–117), except for division E.

SA 4677. Mr. DEMINT proposed an amendment to amendment SA 4674 proposed by Mr. INOUYE to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; as follows:

Section 106(3) of the bill is amended by striking ''December 3, 2010'' and inserting ''February 4, 2011''.

SA 4678. Mr. WYDEN (for himself, Mrs. LINCOLN, Mrs. SHAHEEN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3663, to promote clean energy jobs and oil company accountability, and for other purposes; which was ordered to lie on the table; as follows:

On page 345, line 7, strike ''or''.

On page 345, line 17, strike the period and insert ''; or''.

On page 345, between lines 17 and 18, insert the following:

(C) the use of software or databases, approved by the Secretary, that analyze, integrate, or optimize the installed energy performance of building materials and products, such as energy efficient wood products, used in the retrofit.

SA 4679. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3663, to promote clean energy jobs and oil company accountability, and for other purposes; which was ordered to lie on the table; as follows:

On page 308, between lines 22 and 23, add the following:

(13) HOME AREA NETWORK.—The term ''home area network'' means a wireless or wired network that connects a home energy management system to—

(A) smart meters and various smart energy devices; and

(B) devices that enable simultaneous networking of multiple sensors and embedded computing devices that monitor and adjust energy use.

(14) HOME ENERGY MANAGEMENT SYSTEM.—The term ''home energy management system'' means a system that—

(A) is installed in a home by an accredited contractor that meets the minimum applicable requirements established under section 3004;

(B) uses a combination of in-home display and computing devices, computer software, control equipment, sensors, and instrumentation to monitor or submeter and manage the energy use of a home by automating the control of programmable communicating thermostats to control—

(i) the ventilation, cooling, and heating of a home;

(ii) load control devices that control water heaters, pool pumps, and other plug loads;

(iii) lighting; or

(iv) smart appliances, such as washers, dryers, and refrigerators; and

(C) provides reporting of information to the owner or occupant of a home to enable refinement of energy usage.

On page 308, line 23, strike ''(13)'' and insert ''(15)''.

On page 309, line 1, strike ''(14)'' and insert ''(16)''.

On page 309, line 5, strike ''(15)'' and insert ''(17)''.

On page 309, line 9, strike ''(16)'' and insert ''(18)''.

On page 309, line 13, strike ''(17)'' and insert ''(19)''.

On page 309, line 18, strike ''(18)'' and insert ''(20)''.

On page 309, line 22, strike ''(19)'' and insert ''(21)''.

On page 310, line 5, strike ''(20)'' and insert ''(22)''.

On page 310, line 22, strike ''(21)'' and insert ''(23)''.

On page 311, line 1, strike ''(22)'' and insert ''(24)''.

On page 311, line 4, strike ''(23)'' and insert ''(25)''.

On page 311, line 9, strike ''(24)'' and insert ''(26)''.

On page 311, line 11, strike ''(25)'' and insert ''(27)''.

On page 311, line 15, strike ''(26)'' and insert ''(28)''.

On page 312, line 1, strike ''(27)'' and insert ''(29)''.

On page 312, line 16, strike ''(28)'' and insert ''(30)''.

On page 312, line 20, strike ''(29)'' and insert ''(31)''.

On page 335, between lines 5 and 6, insert the following:

(17) The purchase and installation of a home energy management system or home area network monitoring system for—

(A) a home that has an analog pneumatic or electronic energy control system; or

(B) a home that does not have a energy control system.

On page 335, line 7, strike ''(16)'' and insert ''(17)''.

On page 338, between lines 6 and 7, insert the following:

(5) HOME ENERGY MANAGEMENT SYSTEMS AND HOME AREA NETWORK MONITORING SYSTEMS.—Except as provided in paragraph (4), the total amount of a rebate provided to the owner of a home or a designee for the purchase and installation of a home energy management system or home area network monitoring system under subsection (b)(17) shall be equal to the lesser of—

(A) $1,000 per measure; or

(B) 50 percent of the cost of installing and purchasing the home energy management system or home area network monitoring system.

SA 4680. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 443, after line 23, add the following:

SEC. 10___. COORDINATION AND EXPEDITED APPROVAL OF RENEWABLE ENERGY FACILITY SITING.

(a) ESTABLISHMENT.—There shall be established, within the Executive Office of the President, the position of Director of Renewable Energy Facility Siting (referred to in this section as the ''Director''), to be appointed by the President by and with the advice and consent of the Senate.

(b) DUTIES.—The Director shall—

(1) coordinate and expedite the review by Federal agencies of projects involving the siting of renewable energy projects in cases in which the review is otherwise required by law;

(2) resolve siting conflicts, including through the development of mitigation measures; and

(3) issue final executive branch approval or disapproval for the projects in accordance with subsection (e).

(c) AGENCY PROCEDURES.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director, in coordination with Director of the Office of Management and Budget, shall establish—

(A) procedures under which each Federal agency with a responsibility or interest under law in projects involving the siting of renewable energy facilities within the United States to notify the Director of those responsibilities or interests; and

(B) procedures for the coordination of any required assessment or review of proposed projects.

(2) RESPONSIBILITIES AND INTERESTS.—For purposes of paragraph (1), responsibilities and interests shall include impacts on national security, energy security, public health and safety, and the environment.

(3) PUBLICATION.—As soon as practicable after notification by affected agencies under paragraph (1), the Director shall publish in the Federal Register a list of the affected agencies and the responsibilities and interests of each affected agency.

(d) NOTIFICATION PROCEDURES.—Not later than 90 days after the date of enactment of this Act, the Director shall establish procedures that require the sponsors of renewable energy projects requiring review by a Federal agency to notify the Director of, with respect to each such proposed project—

(1) the location;

(2) the energy technology to be used;

(3) the energy output of the project; and

(4) the schedule for project development.

(e) REVIEW AND APPROVAL PROCESS.—

(1) IN GENERAL.—The Director shall ensure that each Federal agency with responsibility to assess any aspect of a proposed facility under this section—

(A) completes the review of the project in a timely manner; and

(B) provides to the Director any assessments, determinations, or analyses required under law.

(2) FINAL APPROVAL OR DISAPPROVAL.—If the agency assessments, determinations, or analyses provided under paragraph (1)(B) fail to fully resolve any siting issue, based on the administrative record or on appeal by a project sponsor or party to the proceeding, the Director may issue a final decision approving or disapproving a project.

(f) JUDICIAL REVIEW.—A final decision by the Director to approve or disapprove the siting of a proposed renewable energy facility shall be considered a final agency action and subject to review in the United States Court of Appeals for the District of Columbia Circuit.

(g) NEPA.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section waives or alters any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) EXCEPTION.—Notwithstanding paragraph (1), if the environmental impact of a proposed facility is subject to an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by an agency described in subsection (c), a final decision by the Director shall not be considered a separate agency action subject to that Act.

(h) IMPROVEMENT OF AGENCY POLICIES AND FUNCTIONS.—For the purpose of more effective siting of renewable energy facilities, the Director shall evaluate the objectives and procedures used by agencies described in subsection (c) for the purpose of making recommendations to the President to improve agency coordination and approval of the facilities.

(i) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this section affects the obligations of any agency to comply with any other provision of law.

SEC. 10___. AIR NAVIGATION REVIEW OF WIND TURBINES.

Section 44718 of title 49, United States Code, is amended by adding at the end the following:

''(e) WIND ENERGY TURBINES AND STUDIES.—In carrying out this section related to construction of a wind energy turbine and conducting any associated aeronautical study, the Secretary shall—

''(1) require any entity proposing to construct a turbine or group of turbines to notify the Federal Aviation Administration not later than 30 days after the date the entity files for approval to construct the project with the applicable local, State, or Federal siting authority;

''(2) afford the entity an opportunity to file project plans, locations, descriptions, mitigation measures, or other information that will assist the Secretary in the review and mitigation of any impacts to the maximum extent practicable; and

''(3) notify the Secretary of Defense not later than 30 days after the receipt by the Administration of a proposal received pursuant to paragraph (1) and coordinate receipt of any comments, or recommendations for mitigation measures pertaining to the proposal, by the Secretary of Defense as soon as practicable but not later than 30 days following an approval to construct pursuant to paragraph (1).''.

SA 4681. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3813, to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 12, strike ''and''.

On page 16, line 6, strike the period and insert ''; and''.

On page 16, between lines 6 and 7, insert the following:

''(J) ensure that each kilowatt-hour of electric energy delivered from an energy storage system that was originally generated with a renewable resource receives 1 credit.''.

SA 4682. Mr. INOUYE proposed an amendment to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; as follows:

Amend the title so as to read: ''Making continuing appropriations for fiscal year 2011, and for other purposes''.

SA 4683. Mr. REID (for Mr. DEMINT) proposed an amendment to the resolution of ratification for Treaty Doc. 110–21, Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague on November 23, 2007, and signed by the United States on that same date; as follows:

In the section heading for section 1, strike ''**TWO RESERVATIONS AND THREE DECLARATIONS**'' and insert ''**TWO RESERVATIONS, ONE UNDERSTANDING, AND THREE DECLARATIONS**''.

In section 1, strike ''the reservations of section 2, the declaration of section 3, and the declarations of section 4'' and insert ''the reservations of section 2, the understanding of section 3, the declaration of section 4, and the declarations of section 5''.

Strike ''**SEC. 3. DECLARATION**'' and insert the following:

SEC. 3. UNDERSTANDING.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of United States or international law.

SEC. 4. DECLARATION.

Strike ''SEC. 4. DECLARATIONS'' and insert ''sec. 5. declarations''.

SA 4684. Ms. CANTWELL proposed an amendment to the bill H.R. 3619, to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes; as follows:

In section 617(b), in the quoted subsection (d), strike ''INDIVIDUALS QUALIFIED AS ABLE SEAMEN.—Offshore'' and insert ''Individuals qualified as able seamen—offshore''.

Strike section 917 and insert the following:

''SEC. 917. MARITIME LAW ENFORCEMENT.

''(a) PENALTIES.—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

'''(b)(1) Except as otherwise provided in this subsection, whoever knowingly violates subsection (a) shall be fined under this title or imprisoned for not more than 5 years, or both.

'''(2)(A) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and has an aggravating factor set forth in subparagraph (B) of this paragraph, the offender shall be fined under this title or imprisoned for any term of years or life, or both.

'''(B) The aggravating factor referred to in subparagraph (A) is that the offense—

'''(i) results in death; or

'''(ii) involves—

'''(I) an attempt to kill;

'''(II) kidnapping or an attempt to kidnap; or

'''(III) an offense under section 2241.

'''(3) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and results in serious bodily injury (as defined in section 1365), the offender shall be fined under this title or imprisoned for not more than 15 years, or both.

'''(4) If the offense is one under paragraph (1) or (2)(A) of subsection (a), involves knowing transportation under inhumane conditions, and is committed in the course of a violation of section 274 of the Immigration and Nationality Act, or chapter 77 or section 113 (other than under subsection (a)(4) or (a)(5) of such section) or 117 of this title, the offender shall be fined under this title or imprisoned for not more than 15 years, or both.'.

''(b) DEFINITION.—Section 2237(e) of title 18, United States Code, is amended—

''(1) by amending paragraph (3) to read as follows:

'''(3) the term ''vessel subject to the jurisdiction of the United States'' has the meaning given the term in section 70502 of title 46;';

''(2) in paragraph (4), by striking 'section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).' and inserting 'section 70502 of title 46; and'; and

''(3) by adding at the end the following new paragraph:

'''(5) the term ''transportation under inhumane conditions'' means—

'''(A) transportation—

'''(i) of one or more persons in an engine compartment, storage compartment, or other confined space;

'''(ii) at an excessive speed; or

'''(iii) of a number of persons in excess of the rated capacity of the vessel; or

'''(B) intentional grounding of a vessel in which persons are being transported.'.''.

Strike section 1032(b) and insert the following:

''(b) VIOLATIONS; SUBPOENAS.—

''(1) IN GENERAL.—In any investigation under this section, the Secretary may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

''(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

''(B) the Attorney General—

''(i) determines that the subpoena will not interfere with a criminal investigation; or

''(ii) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A).

''(2) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this subsection, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.''.

Strike section 1033(a)(2) and insert the following:

''(2) SUBPOENAS.—

''(A) IN GENERAL.—In any investigation under this section, the Administrator may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

''(i) before the issuance of the subpoena, the Administrator requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

''(ii) the Attorney General—

''(I) determines that the subpoena will not interfere with a criminal investigation; or

''(II) fails to make a determination under subclause (I) before the date that is 30 days after the date on which the Administrator makes a request under clause (i).

''(B) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this paragraph, the Administrator may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.''.

SA 4685. Mr. DURBIN (for Mr. CORNYN) proposed an amendment to the bill S. 3774, to extend the deadline for Social Services Block Grants expenditures of supplemental funds appropriated following disasters occurring in 2008; as follows:

On page 2, line 2, strike ''September 30, 2012'' and insert ''September 30, 2011''.

On page 2, after line 2, insert the following:

SEC. 2. BUDGETARY PROVISIONS.

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

(b) EMERGENCY DESIGNATIONS.—This Act—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4686. Mr. DURBIN (for Ms. CANTWELL) proposed an amendment to the bill H.R. 1061, to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes; as follows:

On page 4, lines 8 through 10, strike ''upon compliance with the National Environmental Policy Act of 1969'' and insert ''in accordance with the regulations of the Department of the Interior for implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that are applicable to trust land acquisitions for Indian tribes that are mandated by Federal legislation,''.

On page 8, strike lines 14 through 19 and insert the following:

SEC. 5. GAMING PROHIBITION.

SA 4687. Mr. DURBIN (for Mr. WHITEHOUSE) proposed an amendment to the bill S. 2847, to regulate the volume of audio on commercials; 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 ''Commercial Advertisement Loudness Mitigation Act'' or the ''CALM Act''.

SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.

(a) RULEMAKING REQUIRED.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.) a regulation that is limited to incorporating by reference and making mandatory (subject to any waivers the Commission may grant) the ''Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television'' (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor.

(b) IMPLEMENTATION.—

(1) EFFECTIVE DATE.—The Federal Communications Commission shall prescribe that the regulation adopted pursuant to subsection (a) shall become effective 1 year after the date of its adoption.

(2) WAIVER.—For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year and may renew such waiver for 1 additional year.

(3) WAIVER AUTHORITY.—Nothing in this section affects the Commission's authority under section 1.3 of its rules (47 C.F.R. 1.3) to waive any rule required by this Act, or the application of any such rule, for good cause shown to a television broadcast station, cable operator, or other multichannel video programming distributor, or to a class of such stations, operators, or distributors.

(c) COMPLIANCE.—Any broadcast television operator, cable operator, or other multichannel video programming distributor that installs, utilizes, and maintains in a commercially reasonable manner the equipment and associated software in compliance with the regulations issued by the Federal Communications Commission in accordance with subsection (a) shall be deemed to be in compliance with such regulations.

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

(1) the term ''television broadcast station'' has the meaning given such term in section 325 of the Communications Act of 1934 (47 U.S.C. 325); and

(2) the terms ''cable operator'' and ''multichannel video programming distributor'' have the meanings given such terms in section 602 of Communications Act of 1934 (47 U.S.C. 522).

SA 4688. Mr. DURBIN (for Mr. LAUTENBERG) proposed an amendment to the bill S. 685, to require new vessels for carrying oil fuel to have double hulls, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oil Spill Prevention Act of 2010''.

SEC. 2. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Oil Spill Prevention Act of 2010, or that is delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled 'Oil Fuel Tank Protection.'.

''(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention.

''(3) In this subsection the term 'oil fuel' means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.''.

SEC. 3. MARITIME EMERGENCY PREVENTION.

(a) IN GENERAL.—Section 4(b) of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223(b)) is amended—

(1) by striking ''operate or'' and inserting ''operate, including direction to change the vessel's heading and speed, or''; and

(2) by inserting ''emergency or'' after ''other'' in paragraph (3).

(b) REVISION OF VTS POLICY.—The Secretary of the department in which the Coast guard is operating shall—

(1) provide guidance to all vessel traffic personnel that clearly defines the use of authority to direct or control vessel movement when such direction or control is justified in the interest of safety; and

(2) require vessel traffic personnel communications to identify the vessel, rather than the pilot, when vessels are operating in vessel traffic service pilotage areas.

(c) ADEQUACY OF VTS LOCATIONS AND INFRASTRUCTURE.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall continue to conduct individual port and waterway safety assessments under the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.) to determine and prioritize the United States ports, waterways, and channels that are in need of new, expanded, or improved vessel traffic management risk mitigation measures, including vessel traffic service systems, by evaluating—

(A) the nature, volume, and frequency of vessel traffic;

(B) the risks of collisions, allisions, spills, and other maritime mishaps associated with that traffic;

(C) the projected impact of installation, expansion, or improvement of a vessel traffic service system or other risk mitigation measures; and

(D) any other relevant data.

(2) ANALYSES.—Based on the results of the assessments under paragraph (1), the Secretary shall identify the requirements for necessary expansion, improvement, or construction of buildings, networks, communications, or other infrastructure to improve the effectiveness of existing vessel traffic service systems, or necessary to support recommended new vessel traffic service systems, including all necessary costs for construction, reconstruction, expansion, or improvement.

(3) PERSONNEL.—The Secretary shall—

(A) review and validate the recruiting, retention, training, and expansion of the vessel traffic service personnel workforce necessary to maintain the effectiveness of existing vessel traffic service systems and to support any expansion or improvement identified by the Secretary under this section; and

(B) require basic navigation training for vessel traffic service watchstander personnel—

(i) to support and complement the existing mission of the vessel traffic service to monitor and assess vessel movements within a vessel traffic service Area;

(ii) to exchange information regarding vessel movements with vessel and shore-based personnel; and

(iii) to provide advisories to vessel masters.

(4) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report consolidating the results of the analyses under paragraph (2), together with recommendations for implementing the study results.

SEC. 4. TRAINED POLLUTION INVESTIGATORS.

To the extent practicable, the Commandant of the Coast Guard shall ensure that there is at least 1 trained and experienced pollution investigator on duty, or in an on-call status, at all times for each Coast Guard Sector Command.

SEC. 5. DURATION OF CREDENTIALS.

(a) MERCHANT MARINER'S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

''(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS' DOCUMENTS.—

''(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner's document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

''(2) ADVANCE RENEWALS.—A renewed merchant mariner's document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner's document expires.''.

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

''§ 7106. Duration of licenses

''(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

''(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires.''.

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

''§ 7107. Duration of certificates of registry

''(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

''(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires.''.

SEC. 6. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''§ 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

''(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for up to one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required—

''(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

''(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

''(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

''(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner's document issued for an individual under chapter 71 if the Secretary determines that extension is required—

''(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

''(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

''(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

''(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

''(d) EXPIRATION OF AUTHORITY.—The authority for providing an extension under this section shall expire on December 31, 2011.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for such chapter is amended by adding at the end the following:

''7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.''.

SEC. 7. ELIMINATION OF CERTAIN REPORTS.

Notwithstanding the direction of the House of Representatives Committee on Appropriations on page 60 of Report 109–79 (109th Congress, 1st Session) under the headings ''UNITED STATES COAST GUARD OPERATING EXPENSES'' and ''AREA SECURITY MARITIME EXERCISE PROGRAM'', concerning the submission by the Coast Guard of reports to that Committee on the results of port security terrorism exercises, beginning with October, 2010, the Coast Guard shall submit only 1 such report each year.

SEC. 8. 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 Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4689. Mr. DURBIN (for Mr. AKAKA (for himself and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 1722, to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Telework Enhancement Act of 2010''.

SEC. 2. TELEWORK.

(a) IN GENERAL.—Part III of title 5, United States Code, is amended by inserting after chapter 63 the following:

''CHAPTER 65—TELEWORK

''§ 6501. Definitions

''In this chapter:

''(1) EMPLOYEE.—The term 'employee' has the meaning given that term under section 2105.

''(2) EXECUTIVE AGENCY.—Except as provided in section 6506, the term 'executive agency' has the meaning given that term under section 105.

''(3) TELEWORK.—The term 'telework'or 'teleworking' refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

''§ 6502. Executive agencies telework requirement

''(a) TELEWORK ELIGIBILITY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this chapter, the head of each executive agency shall—

''(A) establish a policy under which eligible employees of the agency may be authorized to telework;

''(B) determine the eligibility for all employees of the agency to participate in telework; and

''(C) notify all employees of the agency of their eligibility to telework.

''(2) LIMITATION.—An employee may not telework under a policy established under this section if—

''(A) the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year; or

''(B) the employee 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.

''(b) PARTICIPATION.—The policy described under subsection (a) shall—

''(1) ensure that telework does not diminish employee performance or agency operations;

''(2) require a written agreement that—

''(A) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

''(B) is mandatory in order for any employee to participate in telework;

''(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

''(4) except in emergency situations as determined by the head of an agency, not apply to any employee of the agency whose official duties require on a daily basis (every work day)—

''(A) direct handling of secure materials determined to be inappropriate for telework by the agency head; or

''(B) on-site activity that cannot be handled remotely or at an alternate worksite; and

''(5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

''§ 6503. Training and monitoring

''(a) IN GENERAL.—The head of each executive agency shall ensure that—

''(1) an interactive telework training program is provided to—

''(A) employees eligible to participate in the telework program of the agency; and

''(B) all managers of teleworkers;

''(2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before that employee enters into a written agreement to telework described under section 6502(b)(2);

''(3) teleworkers and nonteleworkers are treated the same for purposes of—

''(A) periodic appraisals of job performance of employees;

''(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;

''(C) work requirements; or

''(D) other acts involving managerial discretion; and

''(4) when determining what constitutes diminished employee performance, the agency shall consult the performance management guidelines of the Office of Personnel Management.

''(b) TRAINING REQUIREMENT EXEMPTIONS.—The head of an executive agency may provide for an exemption from the training requirements under subsection (a), if the head of that agency determines that the training would be unnecessary because the employee is already teleworking under a work arrangement in effect before the date of enactment of this chapter.

''§ 6504. Policy and support

''(a) AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

''(b) GUIDANCE AND CONSULTATION.—The Office of Personnel Management shall—

''(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities;

''(2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; and

''(3) consult with—

''(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies;

''(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, equipment, and dependent care; and

''(C) the National Archives and Records Administration on policy and policy guidance for telework in the areas of efficient and effective records management and the preservation of records, including Presidential and Vice-Presidential records.

''(c) SECURITY GUIDELINES.—

''(1) IN GENERAL.—The Director of the Office of Management and Budget, in coordination with the Department of Homeland Security and the National Institute of Standards and Technology, shall issue guidelines not later than 180 days after the date of the enactment of this chapter to ensure the adequacy of information and security protections for information and information systems used while teleworking.

''(2) CONTENTS.—Guidelines issued under this subsection shall, at a minimum, include requirements necessary to—

''(A) control access to agency information and information systems;

''(B) protect agency information (including personally identifiable information) and information systems;

''(C) limit the introduction of vulnerabilities;

''(D) protect information systems not under the control of the agency that are used for teleworking;

''(E) safeguard wireless and other telecommunications capabilities that are used for teleworking; and

''(F) prevent inappropriate use of official time or resources that violates subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch by viewing, downloading, or exchanging pornography, including child pornography.

''(d) CONTINUITY OF OPERATIONS PLANS.—

''(1) INCORPORATION INTO CONTINUITY OF OPERATIONS PLANS.—Each executive agency

shall incorporate telework into the continuity of operations plan of that agency.

''(2) CONTINUITY OF OPERATIONS PLANS SUPERSEDE TELEWORK POLICY.—During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

''(e) TELEWORK WEBSITE.—The Office of Personnel Management shall—

''(1) maintain a central telework website; and

''(2) include on that website related—

''(A) telework links;

''(B) announcements;

''(C) guidance developed by the Office of Personnel Management; and

''(D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

''(f) POLICY GUIDANCE ON PURCHASING COMPUTER SYSTEMS.—Not later than 120 days after the date of the enactment of this chapter, the Director of the Office of Management and Budget shall issue policy guidance requiring each executive agency when purchasing computer systems, to purchase computer systems that enable and support telework, unless the head of the agency determines that there is a mission-specific reason not to do so.

''§ 6505. Telework Managing Officer

''(a) DESIGNATION.—The head of each executive agency shall designate an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

''(b) DUTIES.—The Telework Managing Officer shall—

''(1) be devoted to policy development and implementation related to agency telework programs;

''(2) serve as—

''(A) an advisor for agency leadership, including the Chief Human Capital Officer;

''(B) a resource for managers and employees; and

''(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

''(3) perform other duties as the applicable delegating authority may assign.

''(c) STATUS WITHIN AGENCY.—The Telework Managing Officer of an agency shall be a senior official of the agency who has direct access to the head of the agency.

''(d) RULE OF CONSTRUCTION REGARDING STATUS OF TELEWORK MANAGING OFFICER.—Nothing in this section shall be construed to prohibit an individual who holds another office or position in an agency from serving as the Telework Managing Officer for the agency under this chapter.

''§ 6506. Reports

''(a) DEFINITION.—In this section, the term 'executive agency' shall not include the Government Accountability Office.

''(b) REPORTS BY THE OFFICE OF PERSONNEL MANAGEMENT.—

''(1) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment of this chapter and on an annual basis thereafter, the Director of the Office of Personnel Management, in consultation with Chief Human Capital Officers Council, shall—

''(A) submit a report addressing the telework programs of each executive agency to—

''(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(ii) the Committee on Oversight and Government Reform of the House of Representatives; and

''(B) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

''(2) CONTENTS.—Each report submitted under this subsection shall include—

''(A) the degree of participation by employees of each executive agency in teleworking during the period covered by the report (and for each executive agency whose head is referred to under section 5312, the degree of participation in each bureau, division, or other major administrative unit of that agency), including—

''(i) the total number of employees in the agency;

''(ii) the number and percent of employees in the agency who are eligible to telework; and

''(iii) the number and percent of eligible employees in the agency who are teleworking—

''(I) 3 or more days per pay period;

''(II) 1 or 2 days per pay period;

''(III) once per month; and

''(IV) on an occasional, episodic, or short-term basis;

''(B) the method for gathering telework data in each agency;

''(C) if the total number of employees teleworking is 10 percent higher or lower than the previous year in any agency, the reasons for the positive or negative variation;

''(D) the agency goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees teleworking in each frequency category described under subparagraph (A)(iii);

''(E) an explanation of whether or not the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period;

''(F) an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telework, such as the impact of telework on—

''(i) emergency readiness;

''(ii) energy use;

''(iii) recruitment and retention;

''(iv) performance;

''(v) productivity; and

''(vi) employee attitudes and opinions regarding telework; and

''(G) the best practices in agency telework programs.

''(c) COMPTROLLER GENERAL REPORTS.—

''(1) REPORT ON GOVERNMENT ACCOUNTABILITY OFFICE TELEWORK PROGRAM.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of this chapter and on an annual basis thereafter, the Comptroller General shall submit a report addressing the telework program of the Government Accountability Office to—

''(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(ii) the Committee on Oversight and Government Reform of the House of Representatives.

''(B) CONTENTS.—Each report submitted by the Comptroller General shall include the same information as required under subsection (b) applicable to the Government Accountability Office.

''(2) REPORT TO CONGRESS ON OFFICE OF PERSONNEL MANAGEMENT REPORT.—Not later than 6 months after the submission of the first report to Congress required under subsection (b), the Comptroller General shall review that report required under subsection (b) and submit a report to Congress on the progress each executive agency has made towards the goals established under section 6504(b)(2).

''(d) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

''(1) IN GENERAL.—Each year the Chief Human Capital Officer of each executive agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Officers Council on agency management efforts to promote telework.

''(2) REVIEW AND INCLUSION OF RELEVANT INFORMATION.—The Chair and Vice Chair of the Chief Human Capital Officers Council shall—

''(A) review the reports submitted under paragraph (1);

''(B) include relevant information from the submitted reports in the annual report to Congress required under subsection (b); and

''(C) use that relevant information for other purposes related to the strategic management of human capital.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CHAPTERS.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 63 the following:

65. Telework 6501

(2) TELEWORK COORDINATORS.—

(A) APPROPRIATIONS ACT, 2003.—Section 623 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003 (Public Law 108–7; 117 Stat. 103) is amended by striking ''designate a 'Telework Coordinator' to be'' and inserting ''designate a Telework Managing Officer to be''.

(B) APPROPRIATIONS ACT, 2004.—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 99) is amended by striking ''designate a 'Telework Coordinator' to be'' and inserting ''designate a Telework Managing Officer to be''.

(C) APPROPRIATIONS ACT, 2005.—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2919) is amended by striking ''designate a 'Telework Coordinator' to be'' and inserting ''designate a Telework Managing Officer to be''.

(D) APPROPRIATIONS ACT, 2006.—Section 617 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2340) is amended by striking ''maintain a 'Telework Coordinator' to be'' and inserting ''maintain a Telework Managing Officer to be''.

SEC. 3. AUTHORITY FOR TELEWORK TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5710 the following:

''§ 5711. Authority for telework travel expenses test programs

''(a) Except as provided under subsection (f)(1), in this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(2) the Committee on Oversight and Government Reform of the House of Representatives.

''(b)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter for employees participating in a telework program. Under an approved test program, an agency may provide an employee with the option to

waive any payment authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

''(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

''(3) Under any test program, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.

''(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

''(c) The Administrator shall transmit a copy of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of Congress at least 30 days before the effective date of the program.

''(d)(1) An agency authorized to conduct a test program under subsection (b) shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.

''(2) The results in a report described under paragraph (1) may include—

''(A) the number of visits an employee makes to the pre-existing duty station of that employee;

''(B) the travel expenses paid by the agency;

''(C) the travel expenses paid by the employee; or

''(D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.

''(e) No more than 10 test programs under this section may be conducted simultaneously.

''(f)(1) In this subsection, the term 'appropriate committee of Congress' 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 the Judiciary of the Senate; and

''(D) the Committee on the Judiciary of the House of Representatives.

''(2) The Patent and Trademark Office shall conduct a test program under this section, including the provision of reports in accordance with subsection (d)(1).

''(3) In conducting the program under this subsection, the Patent and Trademark Office may pay any travel expenses of an employee for travel to and from a Patent and Trademark Office worksite or provide an employee with the option to waive any payment authorized or required under this subchapter, if—

''(A) the employee is employed at a Patent and Trademark Office worksite and enters into an approved telework arrangement;

''(B) the employee requests to telework from a location beyond the local commuting area of the Patent and Trademark Office worksite; and

''(C) the Patent and Trademark Office approves the requested arrangement for reasons of employee convenience instead of an agency need for the employee to relocate in order to perform duties specific to the new location.

''(4)(A) The Patent and Trademark Office shall establish an oversight committee comprising an equal number of members representing management and labor, including representatives from each collective bargaining unit.

''(B) The oversight committee shall develop the operating procedures for the program under this subsection to—

''(i) provide for the effective and appropriate functioning of the program; and

''(ii) ensure that—

''(I) reasonable technological or other alternatives to employee travel are used before requiring employee travel, including teleconferencing, videoconferencing or internet-based technologies;

''(II) the program is applied consistently and equitably throughout the Patent and Trademark Office; and

''(III) an optimal operating standard is developed and implemented for maximizing the use of the telework arrangement described under paragraph (2) while minimizing agency travel expenses and employee travel requirements.

''(5)(A) The test program under this subsection shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

''(B) The Director of the Patent and Trademark Office shall—

''(i) prepare an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program; and

''(ii) before the test program is implemented, submit the analysis and criteria to the Administrator of General Services and to the appropriate committees of Congress.

''(C) With respect to an employee of the Patent and Trademark Office who voluntarily relocates from the pre-existing duty station of that employee, the operating procedures of the program may include a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by the Office.

''(g) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Enhancement Act of 2010.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5710 the following:

''5711. Authority for telework travel expenses test programs.''.

SEC. 4. TELEWORK RESEARCH.

(a) RESEARCH BY OPM ON TELEWORK.—The Director of the Office of Personnel Management shall—

(1) research the utilization of telework by public and private sector entities that identify best practices and recommendations for the Federal Government;

(2) review the outcomes associated with an increase in telework, including the effects of telework on energy consumption, job creation and availability, urban transportation patterns, and the ability to anticipate the dispersal of work during periods of emergency; and

(3) make any studies or reviews performed under this subsection available to the public.

(b) USE OF CONTRACT TO CARRY OUT RESEARCH.—The Director of the Office of Personnel Management may carry out subsection (a) under a contract entered into by the Director using competitive procedures under section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

(c) USE OF OTHER FEDERAL AGENCIES.—The heads of Federal agencies with relevant jurisdiction over the subject matters in subsection (a)(2) shall work cooperatively with the Director of the Office of Personnel Management to carry out that subsection, if the Director determines that coordination is necessary to fulfill obligations under that subsection.

SA 4690. Mr. DURBIN (for Mr. CHAMBLISS3) proposed an amendment to the concurrent resolution S. Con. Res. 52, expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians; as follows:

On page 2, line 3, after ''March 20'' add '', 2010,''

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

SOCIAL SERVICES BLOCK GRANTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 3774 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3774) to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the amendment at the desk be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table; 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. 4685) was agreed to, as follows:

(Purpose: To adjust the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008)

On page 2, line 2, strike ''September 30, 2012'' and insert ''September 30, 2011''.

On page 2, after line 2, insert the following:

SEC. 2. BUDGETARY PROVISIONS.

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

(b) EMERGENCY DESIGNATIONS.—This Act—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

The bill (S. 3774), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3774

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

SECTION 1. EXTENSION OF EXPENDITURE DEADLINE OF SOCIAL SERVICES BLOCK GRANT DISASTER FUNDING.

Notwithstanding any other provision of law, amounts made available to the Department of Health and Human Services, Administration for Children and Families, under the heading ''Social Services Block Grant'' under chapter 7 of division B of Public Law 110–329, shall remain available for expenditure through September 30, 2011.

SEC. 2. BUDGETARY PROVISIONS.

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

(b) EMERGENCY DESIGNATIONS.—This Act—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

WIPA AND PABSS EXTENSION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6200, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6200) to amend part A of title XI of the Social Security Act to provide for a 1-year extension of the authorizations for the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed at this point in the RECORD, with no intervening action or debate.

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

The bill (H.R. 6200) was ordered to a third reading, was read the third time, and passed.

HOH INDIAN TRIBE SAFE HOMELANDS ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 422, H.R. 1061.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1061) to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I further ask unanimous consent that the Cantwell amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motion 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. 4686) was agreed to, as follows:

(Purpose: To make a technical correction)

On page 4, lines 8 through 10, strike ''upon compliance with the National Environmental Policy Act of 1969'' and insert ''in accordance with the regulations of the Department of the Interior for implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that are applicable to trust land acquisitions for Indian tribes that are mandated by Federal legislation,''.

On page 8, strike lines 14 through 19 and insert the following:

SEC. 5. GAMING PROHIBITION.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1061), as amended, was read the third time, and passed.

CALM ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 625, S. 2847.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2847) to regulate the volume of audio on commercials.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, 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 ''Commercial Advertisement Loudness Mitigation Act'' or the ''CALM Act''.

SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.

(a) RULEMAKING REQUIRED.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.) a regulation that is limited to incorporating by reference and making mandatory (subject to any waivers the Commission may grant) the ''Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television'' (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor.

(b) IMPLEMENTATION.—

(1) EFFECTIVE DATE.—The Federal Communications Commission shall prescribe that the regulation adopted pursuant to subsection (a) shall become effective 1 year after the date of its adoption.

(2) WAIVER.—For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year and may renew such waiver for 1 additional year.

(3) WAIVER AUTHORITY.—Nothing in this section affects the Commission's authority under section 1.3 of its rules (47 C.F.R. 1.3) to waive any rule required by this Act, or the application of any such rule, for good cause shown to a television broadcast station, cable operator, or othermultichannel video programming distributor, or to a class of such stations, operators or distributors.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''television broadcast station'' has the meaning given such term in section 325 of the Communications Act of 1934 (47 U.S.C. 325); and

(2) the terms ''cable operator'' and ''multichannel video programming distributor'' have the meanings given such terms in section 602 of the Communications Act of 1934 (47 U.S.C. 522).

Mr. DURBIN. Mr. President, I further ask unanimous consent that the amendment, which is at the desk, be agreed to; the committee-reported substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; and that any statements related to the bill be printed in the RECORD.

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

The amendment (No. 4687) was agreed to, as follows:

(Purpose: To deem operators and distributors who maintain equipment and software in compliance with the FCC regulations to be in compliance with those regulations)

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commercial Advertisement Loudness Mitigation Act'' or the ''CALM Act''.

SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.

(a) RULEMAKING REQUIRED.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.) a regulation that is limited to incorporating by reference and making mandatory (subject to any waivers the Commission may grant) the ''Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television'' (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor.

(b) IMPLEMENTATION.—

(1) EFFECTIVE DATE.—The Federal Communications Commission shall prescribe that the regulation adopted pursuant to subsection (a) shall become effective 1 year after the date of its adoption.

(2) WAIVER.—For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year and may renew such waiver for 1 additional year.

(3) WAIVER AUTHORITY.—Nothing in this section affects the Commission's authority under section 1.3 of its rules (47 C.F.R. 1.3) to waive any rule required by this Act, or the application of any such rule, for good cause shown to a television broadcast station, cable operator, or other multichannel video programming distributor, or to a class of such stations, operators, or distributors.

(c) COMPLIANCE.—Any broadcast television operator, cable operator, or other multichannel video programming distributor that installs, utilizes, and maintains in a commercially reasonable manner the equipment and associated software in compliance with the regulations issued by the Federal Communications Commission in accordance with subsection (a) shall be deemed to be in compliance with such regulations.

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

(1) the term ''television broadcast station'' has the meaning given such term in section 325 of the Communications Act of 1934 (47 U.S.C. 325); and

(2) the terms ''cable operator'' and ''multichannel video programming distributor'' have the meanings given such terms in section 602 of Communications Act of 1934 (47 U.S.C. 522).

The committee amendment, as amended, was agreed to.

The bill (S. 2847), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

THE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the following postal naming bills en bloc: Calendar Nos. 629 through 632.

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

The Senate proceeded to consider the bills.

Mr. DURBIN. I ask unanimous consent that the bills be read a third time and passed en bloc; the motions to reconsider be laid upon the table en bloc with no intervening action or debate; and that any statements relating to the bills be printed in the RECORD.

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

ANTHONY J. CORTESE POST OFFICE BUILDING

The bill (H.R. 4543) to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the ''Anthony J. Cortese Post Office Building'', was ordered to a third reading, read the third time, and passed.

JOYCE ROGERS POST OFFICE BUILDING

The bill (H.R. 5341) 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'', was ordered to a third reading, read the third time, and passed.

JOHN DONAFEE POST OFFICE BUILDING

The bill (H.R. 5390) to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the ''David John Donafee Post Office Building'', was ordered to a third reading, read the third time, and passed.

TOM BRADLEY POST OFFICE BUILDING

The bill (H.R. 5450) to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the ''Tom Bradley Post Office building'', was ordered to a third reading, read the third time, and passed.

OIL SPILL PREVENTION ACT OF 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 77, S. 685.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 685) to require new vessels carrying oil fuel to have double hulls, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 685

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 ''Oil Spill Prevention Act of 2009''.

SEC. 2. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Oil Spill Prevention Act of 2009, or that is delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled 'Oil Fuel Tank Protection.'.

''(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention.

''(3) In this subsection the term 'oil fuel' means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.''.

SEC. 3. MARITIME EMERGENCY PREVENTION.

(a) IN GENERAL.—Section 4(b) of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223(b)) is amended—

(1) by striking ''operate or'' and inserting ''operate, including direction to change the vessel's heading and speed, or''; and

(2) by inserting ''emergency or'' after ''other'' in paragraph (3).

(b) REVISION OF VTS POLICY.—The Secretary of the department in which the Coast guard is operating shall—

(1) provide guidance to all vessel traffic personnel that clearly defines the use of authority to direct or control vessel movement when such direction or control is justified in the interest of safety; and

(2) require vessel traffic personnel communications to identify the vessel, rather than the pilot, when vessels are operating in vessel traffic service pilotage areas.

(c) ADEQUACY OF VTS LOCATIONS AND INFRASTRUCTURE.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall continue to conduct individual port and waterway safety assessments under the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.) to determine and prioritize the United States ports, waterways, and channels that are in need of new, expanded, or improved vessel traffic management risk mitigation measures, including vessel traffic service systems, by evaluating—

(A) the nature, volume, and frequency of vessel traffic;

(B) the risks of collisions, allisions, spills, and other maritime mishaps associated with that traffic;

(C) the projected impact of installation, expansion, or improvement of a vessel traffic service system or other risk mitigation measures; and

(D) any other relevant data.

(2) ANALYSES.—Based on the results of the assessments under paragraph (1), the Secretary shall identify the requirements for necessary expansion, improvement, or construction of buildings, networks, communications, or other infrastructure to improve the effectiveness of existing vessel traffic service systems, or necessary to support recommended new vessel traffic service systems, including all necessary costs for construction, reconstruction, expansion, or improvement.

(3) PERSONNEL.—The Secretary shall—

(A) review and validate the recruiting, retention, training, and expansion of the vessel traffic service personnel workforce necessary to maintain the effectiveness of existing vessel traffic service systems and to support any expansion or improvement identified by the Secretary under this section; and

(B) require basic navigation training for vessel traffic service watchstander personnel—

(i) to support and complement the existing mission of the vessel traffic service to monitor and assess vessel movements within a vessel traffic service Area;

(ii) to exchange information regarding vessel movements with vessel and shore-based personnel; and

(iii) to provide advisories to vessel masters.

(4) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report consolidating the results of the analyses under paragraph (2), together with recommendations for implementing the study results.

SEC. 4. MERCHANT MARINER MEDICAL ADVISORY COMMITTEE, MEDICAL STANDARDS, AND MEDICAL REQUIREMENTS.

(a) IN GENERAL.—Chapter 71 of title 46, United States Code, is amended by adding at the end thereof the following:

''§ 7115. Merchant mariner medical advisory committee, medical standards, and medical requirements

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established a Merchant Mariner Medical Advisory Committee.

''(2) FUNCTIONS.—The Committee shall—

''(A) advise the Secretary on matters relating to—

''(i) medical certification determinations for issuance of merchant mariner credentials;

''(ii) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

''(iii) medical examiner education; and

''(iv) medical research; and,

''(B) develop, as appropriate, specific courses and materials to be used by medical examiners listed in the national registry established under this section.

''(3) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of the chief medical examiner and—

''(i) 10 individuals who are health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

''(ii) 4 individuals who are professional mariners with knowledge and experience in mariner occupational requirements.

''(B) STATUS OF MEMBERS.—Except for the chief medical examiner, members of the Committee shall not be considered Federal employees or otherwise in the service or the employment of the Federal Government, except that members shall be considered special Government employees, as defined in section 202(a) of title 18 and shall be subject to any administrative standards of conduct applicable to the employees of the department in which the Coast Guard is operating.

''(C) COMPENSATION; REIMBURSEMENT.—Except for the chief medical examiner, members of the Committee shall serve without compensation, except that, while engaged in the performance of duties away from their homes or regular places of business of the member, the member of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

''(b) APPOINTMENTS; TERMS; VACANCIES; ORGANIZATION.—

''(1) APPOINTMENT.—The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

''(2) TERM OF OFFICE.—The members shall be appointed for a term of 4 years, except that, of the members first appointed, 4 members shall be appointed for a term of 2 years and 4 members shall be appointed for a term of 1 year.

''(3) VACANCIES.—Any member appointed to fill the vacancy prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term.

''(4) CHAIRMAN; VICE CHAIRMAN.—The Secretary shall designate 1 member other than the chief medical examiner as the Chairman and 1 member other than the chief medical examiner as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

''(5) STAFF; SERVICES.—The Secretary shall furnish to the Committee the personnel and services as are considered necessary for the conduct of its business.

''(6) MEETINGS.—No later than 6 months after the date of enactment of the Oil Spill Prevention Act of 2009, the Committee shall hold its first meeting and shall meet at least once each fiscal year.

''(c) CHIEF MEDICAL EXAMINER.—The Secretary shall appoint an employee of the Coast Guard who will serve as a chief medical examiner and who shall hold a position under section 3104 of title 5 relating to employment of specially qualified scientific and professional personnel, and shall be paid under section 5376 of title 5, relating to pay for certain senior-level positions.

''(d) MEDICAL STANDARDS AND REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary, with the advice of the Committee , shall—

''(A) establish, review, and revise—

''(i) medical standards for merchant mariners that will ensure that the physical condition of merchant mariners is adequate to enable them to safely carry out their duties on board vessels; and

''(ii) requirements for periodic physical examinations of such merchant mariners performed by a medical examiner who has, at a minimum, self-certified that he or she has completed training in physical and medical examination standards and is listed on a registry of medical examiners maintained in accordance with subsection (e) of this section;

''(B) require each merchant mariner to have a current valid physical examination;

''(C) conduct periodic reviews of a select number of medical examiners on the national registry to ensure that proper examinations of merchant mariners are being conducted;

''(D) require each such medical examiner to, at a minimum, self-certify that he or she has completed specific training, including refresher courses, to be listed in the registry;

''(E) require medical examiners to submit all completed medical examination reports as required under regulations established by the Secretary; and

''(F) periodically review a representative sample of the medical examiners' reports associated with the name and numerical identifiers of applicants transmitted under subparagraph (E) for errors, omissions, or other indications of improper certification.

''(2) MONITORING PERFORMANCE.—The Secretary shall investigate patterns of errors or improper evaluation by medical examiners. If the Secretary finds that a medical examiner has evaluated a merchant mariner as being fit for seagoing service who fails otherwise to meet the applicable standards at the time of the examination or that a medical examiner has falsely claimed to have completed training in physical and medical examination standards as required by this section, the Secretary may remove the name of such medical examiner from the registry and may void the medical examinations of the applicant or holder.

''(e) NATIONAL REGISTRY OF MEDICAL EXAMINERS.—The Secretary, acting through the Commandant of the Coast Guard—

''(1) shall establish and maintain a current national registry of medical examiners who are qualified to perform examinations;

''(2) shall accept as valid only examinations by persons on the national registry of medical examiners;

''(3) shall remove from the registry the name of any medical examiner who fails to meet or maintain the qualifications established by the Secretary for being listed in the registry or otherwise does not meet the requirements of this section or a regulation issued under this section;

''(4) may make participation of medical examiners in the national registry voluntary if such a change will enhance the safety of merchant mariners holding United States Coast Guard credentials; and

''(5) may include in the registry established under paragraph (1) licensed physicians who are certified by the Secretary of Transportation to perform medical examinations of operators of commercial motor vehicles under section 31149 of title 49 and airmen.

[''(f) MEDICAL EXAMINER DEFINED.—In this section, the term 'medical examiner' means an individual registered in accordance with the regulations issued by the Secretary as a medical examiner.**]**

''(f) USE OF MEDICAL EXAMINERS NOT ON THE NATIONAL REGISTRY.—The Secretary shall accept examinations of merchant mariners conducted by medical examiners not listed on the national registry if such examinations meet specifications (including standards of review) established by the Secretary in consultation with the Merchant Mariner Medical Advisory Committee.

''(g) MEDICAL EXAMINER DEFINED.—In this section, the term 'medical examiner' means a licensed physician, physician's assistant, or nurse practitioner who complies with the regulations issued by the Secretary for medical examiners conducting examinations of merchant mariners.

''**[**(g)**]** *(h)* COORDINATION.—The Secretary, in coordination with the Secretary of Transportation, shall utilize the systems, processes, and procedures established for the administration of the Federal Motor Carrier Safety Administration's Medical Program authorized under section 31149 of title 49 and the Federal Aviation Administration's Office of Aerospace Medicine authorized under section 44702 of that title where synergies exist between such systems, processes, and procedures.

''**[**(h)**]** *(i)* REGULATIONS.—The Secretary may issue such regulations as may be necessary to carry out this section.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 71 of title 46, United

States Code, is amended by adding at the end the following:

''7115. Merchant mariner medical advisory committee, medical standards, and medical requirements.''.

SEC. 5. STUDY OF MARINE CASUALTY CAUSATION.

(a) OBJECTIVES.—The Secretary of the department in which the Coast Guard is operating shall conduct a comprehensive study that will identify data requirements and collection procedures, reports, and other measures that will improve the department's ability—

(1) to determine the causes of, and contributing factors (including fatigue) to, marine casualties;

(2) to prevent marine casualties and threats to the environment;

(3) to minimize the impacts of marine casualties and environmental threats;

(4) to maximize the lives and property saved and environment protected in the event of a marine casualty;

(5) to evaluate future marine casualties;

(6) to monitor trends to identify causes and contributing factors; and

(7) to develop effective safety improvement policies, including workload, manning and medical review provisions, and programs.

(b) DESIGN.—The study shall employ standard research methods and statistical analysis and be designed to yield information that [will—] *will help the department assess the role that human factors, mechanical or equipment failure, and environmental factors play in marine casualty causation. Among other issues, the study will—*

(1) help the department assess the role that workload and fatigue play in marine casualty causation;

(2) help the department assess the role that manning, particularly a one man bridge operation, plays in marine casualty causation;

(3) help the department assess the role that the medical condition of merchant mariners plays in marine casualty causation;

(4) help the department assess the efficacy of safety management systems in preventing marine casualties;

[(4)] *(5)* help the department to identify activities and other measures likely to lead to significant reductions in the frequency and severity of marine casualties; and

[(5)] *(6)* to the extent practicable, rank such activities and measures by the reductions each would likely achieve if implemented.

(c) CONSULTATION.—In designing and conducting the study, the Secretary shall—

(1) consult with persons with expertise on marine casualty causation and prevention;

(2) consult with merchant mariners, ship managers, professional maritime associations, human factors professionals, occupational medicine specialists, and providers of medical review services to the maritime industry;

(3) consult with Federal advisory committees, including the Merchant Marine Personnel Advisory Committee and the Towing Safety Advisory Committee;

[(3)] *(4)* consult with academic institutions, domestic and foreign, with particular experience and expertise in workload and fatigue, safe manning, and the medical condition of merchant mariners in the maritime [environment;] *environment and safety management systems;* and

[(4)] *(5)* review the relevant literature available on previous studies from domestic and foreign sources.

(d) COMPARISON WITH NTSB.—The Secretary shall, in cooperation with the Chairman of the National Transportation Safety Board, compare and contrast the procedures and processes employed by the Coast Guard and the National Transportation Safety Board with particular attention to—

(1) preventing marine casualties and threats to the environment;

(2) minimizing the impacts of marine casualties and environmental threats; and

(3) maximizing the number of lives saved, the amount of property saved, and the environment protected in the event of a marine casualty.

(e) PUBLIC COMMENT.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

(f) REPORTS.—

(1) IN GENERAL.—The Secretary shall promptly transmit to Congress the results of the study, together with any legislative recommendations.

(2) REVIEW AND UPDATE.—The Secretary shall review the study at least once every 5 years and update the study and report as necessary.

SEC. 6. COAST GUARD STUDY ON USE OF TRACTOR TUGS.

(a) STUDY.—The Commandant of the Coast Guard shall conduct a comprehensive review of existing studies of the need for tractor tug escorts to be used by vessels carrying petroleum products or with large supplies of fuel onboard in the 5 largest United States ports, by volume of petroleum product, where the use of such tugs by those vessels is not otherwise required by State law or Captain-of-the-Port order, identify any gaps or other unaddressed issues, and conduct a study that—

(1) consolidates the information contained in the existing studies and addresses any such gaps or issues that need to be addressed; and

(2) to the extent such issues are not satisfactorily addressed in the existing studies, includes—

(A) an evaluation of the necessary power requirements of such tractor tug escorts;

(B) an analysis of the appropriate passages for the use of such tractor tug escorts;

(C) an inventory and analysis of the existing use of tractor tug escorts in United States ports; and

(D) an analysis of which vessel types in the ports studied should be required to have tractor tug escorts and a statement of the reason for recommending such a requirement.

(b) REPORT.—Within 1 year after the date of enactment of this Act, the Commandant shall submit the report, together with any findings, conclusions, and recommendations the Commandant deems appropriate, to the Senate Committee on Commerce, Science, and Transportation.

SEC. 7. TRAINED POLLUTION INVESTIGATORS.

To the extent practicable, the Commandant of the Coast Guard shall ensure that there is at least 1 trained and experienced pollution investigator on duty, or in an on-call status, at all times for each Coast Guard Sector Command.

SEC. 8. DURATION OF CREDENTIALS.

(a) MERCHANT MARINER'S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

''(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS' DOCUMENTS.—

''(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner's document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

''(2) ADVANCE RENEWALS.—A renewed merchant mariner's document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner's document expires.''.

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

''§ 7106. Duration of licenses

''(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

''(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires.''.

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

''§ 7107. Duration of certificates of registry

''(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

''(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires.''.

SEC. 9. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''§ 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

''(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for up to one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required—

''(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

''(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

''(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

''(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner's document issued for an individual under chapter 71 if the Secretary determines that extension is required—

''(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

''(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

''(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

''(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

''(d) EXPIRATION OF AUTHORITY.—The authority for providing an extension under this section shall expire on December 31, 2011.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for such chapter is amended by adding at the end the following:

''7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.''.

SEC. 10. PROTECTION AND FAIR TREATMENT OF SEAFARERS.

(a) IN GENERAL.—Chapter 111 of title 46, United States Code, is amended by adding at the end the following new section:

''§ 11113. Protection and fair treatment of seafarers

''(a) PURPOSE.—The purpose of this section is to ensure the protection and fair treatment of seafarers.

''(b) FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury a special fund known as the 'Support of Seafarers Fund'.

''(2) USE OF AMOUNTS IN FUND.—The amounts covered into the Fund shall be available to the Secretary, without further appropriation and without fiscal year limitation, to—

''(A) pay necessary support, pursuant to subsection (c)(1)(A) of this section; and

''(B) reimburse a shipowner for necessary support, pursuant to subsection (c)(1)(B) of this section.

''(3) AMOUNTS CREDITED TO FUND.—Notwithstanding any other provision of law, the Fund may receive—

''(A) any moneys ordered to be paid to the Fund in the form of community service pursuant to section ⟦8B1.3 of the United States Sentencing Guidelines or otherwise;⟧ *3563(b) of title 18;*

''(B) amounts reimbursed or recovered pursuant to subsection (d) of this section;

''(C) amounts appropriated to the Fund pursuant to subsection (g) of this section; and

''(D) appropriations available to the Secretary for transfer.

''(4) PREREQUISITE FOR COMMUNITY SERVICE CREDITS.—The Fund may receive credits pursuant to paragraph (3)(A) of this subsection only when the unobligated balance of the Fund is less than $5,000,000.

''(5) REPORT REQUIRED.—

''(A) Except as provided in subparagraph (B) of this paragraph, the Secretary shall not obligate any amount in the Fund in a given fiscal year unless the Secretary has submitted to Congress, concurrent with the President's budget submission for that fiscal year, a report that describes—

''(i) the amounts credited to the Fund, pursuant to paragraph (3) of this subsection, for the preceding fiscal year;

''(ii) a detailed description of the activities for which amounts were charged; and

''(iii) the projected level of expenditures from the Fund for the coming fiscal year, based on—

''(I) on-going activities; and

''(II) new cases, derived from historic data.

''(B) The limitation in subparagraph (A) of this paragraph shall not apply to obligations during the first fiscal year during which amounts are credited to the Fund.

''(6) FUND MANAGER.—The Secretary shall designate a Fund manager, who shall—

''(A) ensure the visibility and accountability of transactions utilizing the Fund;

''(B) prepare the report required by paragraph (5); and

''(C) monitor the unobligated balance of the Fund and provide notice to the Secretary and the Attorney General whenever the unobligated balance of the Fund is less than $5,000,000.

''(c) IN GENERAL.—

''(1) AUTHORITY.—The Secretary is authorized—

''(A) to pay, in whole or in part, without further appropriation and without fiscal year limitation, from amounts in the Fund, necessary support of—

''(i) any seafarer who enters, remains, or has been paroled into the United States and is involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard; and

''(ii) any seafarer whom the Secretary finds to have been abandoned in the United States; and

''(B) to reimburse, in whole or in part, without further appropriation and without fiscal year limitation, from amounts in the Fund, a shipowner, who has filed a bond or surety satisfactory pursuant to subparagraph (A) and provided necessary support of a seafarer who has been paroled into the United States to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard, for costs of necessary support, when the Secretary deems reimbursement necessary to avoid serious injustice.

''(2) LIMITATION.—Nothing in this section shall be construed—

''(A) to create a right, benefit, or entitlement to necessary support; or

''(B) to compel the Secretary to pay, or reimburse the cost of, necessary support.

''(d) REIMBURSEMENTS; RECOVERY.—

''(1) IN GENERAL.—Any shipowner shall reimburse the Fund an amount equal to the total amount paid from the Fund for necessary support of the seafarer, plus a surcharge of 25 percent of such total amount if—

''(A)(i) the shipowner, during the course of an investigation, reporting, documentation, or adjudication of any matter that the Coast Guard referred to a United States Attorney or the Attorney General, fails to provide necessary support of a seafarer who has been paroled into the United States to facilitate the investigation, reporting, documentation, or adjudication; and

''(ii) a criminal penalty is subsequently imposed against the shipowner; or

''(B) the shipowner, under any circumstance, abandons a seafarer in the United States, as decided by the Secretary.

''(2) ENFORCEMENT.—If a shipowner fails to reimburse the Fund as required under paragraph (1) of this subsection, the Secretary may—

''(A) proceed in rem against any vessel of the shipowner in the Federal district court for the district in which such vessel is found; and

''(B) withhold or revoke the clearance, required by section 60105 of this title, of any vessel of the shipowner wherever such vessel is found.

''(3) Whenever clearance is withheld or revoked pursuant to paragraph (2)(B) of this subsection, clearance may be granted if the shipowner reimburses the Fund the amount required under paragraph (1) of this subsection.

''(e) SURETY; ENFORCEMENT OF TREATIES, LAWS, AND REGULATIONS.—

''(1) BOND AND SURETY AUTHORITY.—The Secretary is authorized to require a bond or surety satisfactory as an alternative to withholding or revoking clearance required under section 60105 of this title if, in the opinion of the Secretary, such bond or surety satisfactory is necessary to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard if the surety corporation providing the bond is authorized by the Secretary of the Treasury under section 9305 of title 31 to provide surety bonds under section 9304 of that title.

''(2) APPLICATION.—The authority to require a bond or a surety satisfactory or to request the withholding or revocation of the clearance required under section 60105 of this title applies to any investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard.

''(f) DEFINITIONS.—In this section:

''(1) ABANDONS; ABANDONED.—The term 'abandons' or 'abandoned' means a shipowner's unilateral severance of ties with a seafarer or the shipowner's failure to provide necessary support of a seafarer.

''(2) BOND OR SURETY SATISFACTORY.—The term 'bond or surety satisfactory' means a negotiated instrument, the terms of which may, at the discretion of the Secretary, include provisions that require the shipowner to—

''(A) provide necessary support of a seafarer who has or may have information pertinent to an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Secretary;

''(B) facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Secretary;

''(C) stipulate to certain incontrovertible facts, including, but not limited to, the ownership or operation of the vessel, or the authenticity of documents and things from the vessel;

''(D) facilitate service of correspondence and legal papers;

''(E) enter an appearance in United States district court;

''(F) comply with directions regarding payment of funds;

''(G) name an agent in the United States for service of process;

''(H) make stipulations as to the authenticity of certain documents in United States district court;

''(I) provide assurances that no discriminatory or retaliatory measures will be taken against a seafarer involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Secretary;

''(J) provide financial security in the form of cash, bond, or other means acceptable to the Secretary; and

''(K) provide for any other appropriate measures as the Secretary considers necessary to ensure the Government is not prejudiced by granting the clearance required by section 60105 of title 46.

''(3) FUND.—The term 'Fund' means the Support of Seafarers Fund, established pursuant to this section.

''(4) NECESSARY SUPPORT.—The term 'necessary support' means normal wages, lodging, subsistence, clothing, medical care (including hospitalization), repatriation, and any other expense the Secretary deems appropriate.

''(5) SEAFARER.—The term 'seafarer' means an alien crewman who is employed or engaged in any capacity on board a vessel subject to the jurisdiction of the United States.

''(6) SHIPOWNER.—The term 'shipowner' means the individual or entity that owns, has an ownership interest in, or operates a vessel subject to the jurisdiction of the United States.

''(7) VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term 'vessel subject to the jurisdiction of the United

States' has the same meaning it has in section 70502(c) of this title, except that it excludes a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when that vessel is engaged in commerce.

''(g) REGULATIONS.—The Secretary may prescribe regulations to implement this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund $1,500,000 for each of fiscal years 2010, 2011, and 2012.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 111 of title 46, United States Code, is amended by adding at the end the following new item:

''11113. Protection and fair treatment of seafarers.''.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendments be withdrawn, the substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time, the pay-go statement be read.

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

The amendment (No. 4688) was agreed to, as follows:

(Purpose: In the nature of a substitute)

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oil Spill Prevention Act of 2010''.

SEC. 2. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Oil Spill Prevention Act of 2010, or that is delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled 'Oil Fuel Tank Protection.'.

''(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention.

''(3) In this subsection the term 'oil fuel' means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.''.

SEC. 3. MARITIME EMERGENCY PREVENTION.

(a) IN GENERAL.—Section 4(b) of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223(b)) is amended—

(1) by striking ''operate or'' and inserting ''operate, including direction to change the vessel's heading and speed, or''; and

(2) by inserting ''emergency or'' after ''other'' in paragraph (3).

(b) REVISION OF VTS POLICY.—The Secretary of the department in which the Coast guard is operating shall—

(1) provide guidance to all vessel traffic personnel that clearly defines the use of authority to direct or control vessel movement when such direction or control is justified in the interest of safety; and

(2) require vessel traffic personnel communications to identify the vessel, rather than the pilot, when vessels are operating in vessel traffic service pilotage areas.

(c) ADEQUACY OF VTS LOCATIONS AND INFRASTRUCTURE.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall continue to conduct individual port and waterway safety assessments under the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.) to determine and prioritize the United States ports, waterways, and channels that are in need of new, expanded, or improved vessel traffic management risk mitigation measures, including vessel traffic service systems, by evaluating—

(A) the nature, volume, and frequency of vessel traffic;

(B) the risks of collisions, allisions, spills, and other maritime mishaps associated with that traffic;

(C) the projected impact of installation, expansion, or improvement of a vessel traffic service system or other risk mitigation measures; and

(D) any other relevant data.

(2) ANALYSES.—Based on the results of the assessments under paragraph (1), the Secretary shall identify the requirements for necessary expansion, improvement, or construction of buildings, networks, communications, or other infrastructure to improve the effectiveness of existing vessel traffic service systems, or necessary to support recommended new vessel traffic service systems, including all necessary costs for construction, reconstruction, expansion, or improvement.

(3) PERSONNEL.—The Secretary shall—

(A) review and validate the recruiting, retention, training, and expansion of the vessel traffic service personnel workforce necessary to maintain the effectiveness of existing vessel traffic service systems and to support any expansion or improvement identified by the Secretary under this section; and

(B) require basic navigation training for vessel traffic service watchstander personnel—

(i) to support and complement the existing mission of the vessel traffic service to monitor and assess vessel movements within a vessel traffic service Area;

(ii) to exchange information regarding vessel movements with vessel and shore-based personnel; and

(iii) to provide advisories to vessel masters.

(4) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report consolidating the results of the analyses under paragraph (2), together with recommendations for implementing the study results.

SEC. 4. TRAINED POLLUTION INVESTIGATORS.

To the extent practicable, the Commandant of the Coast Guard shall ensure that there is at least 1 trained and experienced pollution investigator on duty, or in an on-call status, at all times for each Coast Guard Sector Command.

SEC. 5. DURATION OF CREDENTIALS.

(a) MERCHANT MARINER'S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

''(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS' DOCUMENTS.—

''(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner's document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

''(2) ADVANCE RENEWALS.—A renewed merchant mariner's document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner's document expires.''.

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

''§ 7106. Duration of licenses

''(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

''(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires.''.

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

''§ 7107. Duration of certificates of registry

''(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

''(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires.''.

SEC. 6. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''§ 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

''(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for up to one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required—

''(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

''(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

''(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

''(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner's document issued for an individual under chapter 71 if the Secretary determines that extension is required—

''(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

''(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

''(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

''(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

''(d) EXPIRATION OF AUTHORITY.—The authority for providing an extension under this section shall expire on December 31, 2011.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for such chapter is amended by adding at the end the following:

''7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.''.

SEC. 7. ELIMINATION OF CERTAIN REPORTS.

Notwithstanding the direction of the House of Representatives Committee on Appropriations on page 60 of Report 109–79 (109th Congress, 1st Session) under the headings ''UNITED STATES COAST GUARD OPERATING EXPENSES'' and ''AREA SECURITY MARITIME EXERCISE PROGRAM'', concerning the submission by the Coast Guard of reports to that Committee on the results of port security terrorism exercises, beginning with October, 2010, the Coast Guard shall submit only 1 such report each year.

SEC. 8. 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 Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The PRESIDING OFFICER. The clerk will read the pay-go statement.

The assistant legislative clerk read as follows:

Mr. CONRAD. This is the Statement of Budgetary Effects of PAYGO Legislation for S. 685, as amended.

Total Budgetary Effects of S. 685 for the 5-year Statutory PAYGO Scorecard: $0.

Total Budgetary Effects of S. 685 for the 10-year Statutory PAYGO Scorecard: $0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR S. 685, THE OIL SPILL PREVENTION ACT OF 2010, AS PROVIDED TO CBO BY THE SENATE BUDGET COMMITTEE ON SEPTEMBER 28, 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	0	0	0	0	0	0	0	0	0	0

[a] Section 6 would authorize the Coast Guard to extend for one year certain expiring marine licenses, certificates of registry, and merchant mariner documents. The authority to provide such extensions would apply through December 11, 2011. Because the extensions would delay the collection of fees charged for renewal of such documents, enacting this provision could reduce offsetting receipts (an offset against direct spending) over the next year or two. Some of those receipts may be spent without further appropriation, however, to cover collection expenses. CBO estimates that the net effect on direct spending from enacting this provision would be less than $500,000 in each of fiscal years 2011 and 2012.

Mr. DURBIN. I ask unanimous consent that the bill, as amended, be passed and any statements related to the bill be printed in the RECORD.

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

The bill (S. 685) was ordered to be engrossed for a third reading, was read the third time, and passed.

FOR VETS ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 628, S. 3794.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3794) to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies.

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, as follows:

[Omit the part printed in boldface brackets and insert the part printed in italic.]

S. 3794

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 ''Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2010'' or ''FOR VETS Act of 2010''.

SEC. 2. RECIPIENTS OF CERTAIN FEDERAL SURPLUS PERSONAL PROPERTY.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (viii), by striking ''or'' after the semicolon;

(2) in clause (ix), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

[''(x) an organization whose membership comprises substantially veterans (as defined under section 101 of title 38).''.**]**

''(x) an organization whose—

''(I) membership comprises substantially veterans (as defined under section 101 of title 38); and

''(II) representatives are recognized by the Secretary of Veterans Affairs under section 5902 of title 38.''.

Mr. LEAHY. Mr. Presdient, today the Senate will pass sensible legislation with practical benefits for U.S. military veterans. The bill I have offered will add military veterans to the list of groups eligible to receive excess property donations from the Federal Government. This bill is a bipartisan effort to recognize the sacrifices that members of our Armed Forces make every day for our country, and I am proud to be its author. While it is only a small token of appreciation, this legislation gives back to veterans groups by allowing them access to a large inventory of goods from which they could not otherwise benefit. I appreciate the Senate acting swiftly to consider this bill.

The FOR VETS Act enables military veterans to receive surplus goods donations through the Federal Government's property distribution program. The types of goods donated through this program include computers, trucks, snowmobiles, home appliances and electronics. These items will be of valuable use to our military veterans, and I am pleased to sponsor legislation that gives them the right to claim useful goods through this program. The FOR VETS Act is legislation for and about American veterans.

The Administrator of General Services oversees this ongoing property liquidation and distribution program, which currently donates property to medical institutions, providers of assistance to the homeless, universities, and child care facilities, among others. Given the surplus of available goods, military veterans' groups are simply being added into this pool of recipients for property that might otherwise go unused.

I thank the Homeland Security and Government Affairs Committee ranking member, Senator COLLINS, for working with me on this bill. This was a bipartisan effort, as legislation to support our veterans should always be, and I look forward to its prompt consideration by the House, and to the President signing it into law.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, without No intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill (S. 3794), as amended, was passed, as follows:

S. 3794

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 ''Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2010'' or ''FOR VETS Act of 2010''.

SEC. 2. RECIPIENTS OF CERTAIN FEDERAL SURPLUS PERSONAL PROPERTY.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (viii), by striking ''or'' after the semicolon;

(2) in clause (ix), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(x) an organization whose—''

''(I) membership comprises substantially veterans (as defined under section 101 of title 38); and

''(II) representatives are recognized by the Secretary of Veterans Affairs under section 5902 of title 38.''.

TELEWORK ENHANCEMENT ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1722, and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1722) to require the head of each executive agency to establish and implement the policy under which employees shall be authorized to telework, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent the substitute amendment which is at the desk 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 any statements relating to the measure be printed in the RECORD.

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

The committee amendment (No. 4689) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1722), as amended, was read the third time and passed.

SECURE AND RESPONSIBLE DRUG DISPOSAL ACT OF 2010

Mr. DURBIN. Mr. President, I ask the Chair to lay before the Senate the House message to accompany S. 3397.

The PRESIDING OFFICER laid before the Senate the following message from the House:

S. 3397

Resolved, That the bill from the Senate (S. 3397) entitled ''An Act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.'', do pass with an amendment.

Mr. DURBIN. I ask unanimous consent that the Senate concur in the House amendment to S. 3397 with no intervening action or debate, and that any statements be printed in the RECORD.

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

HONORING THE HUDSON RIVER SCHOOL PAINTERS

Mr. DURBIN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 278, and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 278) honoring the Hudson River School Painters for their contributions to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 278) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 278

Whereas the Hudson River School was a mid-19th century American art movement led by a group of landscape painters, whose aesthetic vision was influenced by the romanticism movement;

Whereas the Hudson River School is considered the first school of American art;

Whereas the major Hudson River School painters included Thomas Cole, Frederic Edwin Church, Asher Brown Durand, Jasper Francis Cropsey, Sanford Robinson Gifford, Albert Bierstadt, John Frederick Kensett, George Inness, Worthington Whittredge, and Thomas Moran;

Whereas the Hudson River School paintings captured the striking landscape and sweeping natural beauty of the Hudson River Valley and the surrounding New York areas, including the Catskill, the Adirondack, and the White Mountains;

Whereas Hudson River School paintings served a vital role in cultivating American identity in the mid-19th century and creating a sense of awe of the American landscape that endures to this day;

Whereas the Hudson River School painters influenced the environmental conservation movement and the establishment of the National Park System under President Theodore Roosevelt;

Whereas the Hudson River School's portrayal of the Hudson River Valley is a major source of tourism in the region;

Whereas 2009 marks the 400th anniversary of the voyages of discovery made by Henry Hudson and Samuel de Champlain, recognizing the important role that the Hudson River and the Hudson Valley played in the development and growth of the United States;

Whereas the Hudson River School painters depicted the Hudson River Valley during the opening of the Erie Canal, which linked the Hudson River with the Great Lakes and created a main trade route from New York that fostered the city's central place in the American economy;

Whereas the Hudson River School painters celebrated the ideals of American democracy, individuality, and progress;

Whereas the Hudson River School painters illustrated themes such as nature, conservation, civility, unity, education, family, chivalry, and development;

Whereas the Hudson River School painters expressed the sense that every generation of Americans should seek to preserve the naturalness of the continent; and

Whereas the Hudson River School painters accentuated the cardinal values of the 19th century, which can assist contemporary Americans in the rebirth of American culture: Now, therefore, be it

Resolved, That the Senate recognizes and honors the Hudson River School painters for their contributions to the United States.

TO ENSURE STABILITY IN SOMALIA

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 588, S. Res. 573.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 573) urging the development of a comprehensive strategy to ensure stability in Somalia, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Foreign Relations with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. RES. 573

Whereas Somalia has been without a functioning central government since 1991, resulting in lawlessness and an increasingly desperate humanitarian situation;

Whereas, despite the return of the internationally recognized Transitional Federal Government (TFG) to Mogadishu and ongoing diplomatic efforts through the Djibouti Peace Process, supported by the United Nations, there has been little improvement in the governance or stability of southern and central Somalia, and armed opposition groups continue to exploit this situation;

Whereas the traditional mediation role played by Somali elders has been eroded as the dynamics of conflict and the proliferation of weapons make it difficult to influence warring parties;

Whereas, since 2007, armed violence has resulted in the deaths of at least 21,000 people in Somalia and the displacement of nearly 2,000,000 people, including over 500,000 refugees in Kenya, Yemen, Ethiopia, Eritrea, Djibouti, Tanzania, and Uganda;

Whereas the United Nations estimates that 3,200,000 people, or 43 percent of the population of Somalia, are in need of humanitarian assistance and livelihood support to survive;

Whereas the United Nations reports that almost 1,000,000 displaced Somalis in need of aid cannot be reached by United Nations refugee and food agencies because of growing insecurity and the threat of kidnappings to staff;

Whereas local humanitarian organizations are trying to meet the needs of the Somali people by restoring basic social services in urban and rural communities, which places them on the front lines of the conflict and make them vulnerable targets for killings, kidnappings, or being accused of working for foreign governments;

Whereas al Shabaab, which has been designated as a foreign terrorist organization by the Department of State, and other armed groups continue to wage war against the Transitional Federal Government in Mogadishu and one another to gain control over territory in Somalia;

Whereas al Shabaab has claimed responsibility for many bombings—including suicide attacks—in Mogadishu, as well as in central and northern Somalia, typically targeting officials of the Government of Somalia and perceived allies of the TFG;

Whereas, according to Human Rights Watch, al Shabaab is subjecting inhabitants of areas under its control in southern Somalia to executions, cruel punishments, including amputations and floggings, and repressive social control;

Whereas the human rights situation in Somalia has dramatically worsened over the past several years with increased numbers of killings, torture, kidnappings, and rape;

Whereas the 2009 Department of State Country Terrorism Report notes that ''Somalia's fragile transitional Federal government, protracted state of violent instability, its long, unguarded coastline, porous borders, and proximity to the Arabian Peninsula, made the country an attractive location for international terrorists seeking a transit or launching point for operations in Somalia or elsewhere'';

Whereas the situation in southern and central Somalia, particularly the activity of al Shabaab, poses direct threats to the stability of Puntland and Somaliland regions, as well as the stability of neighboring states and the wider region;

Whereas al Shabaab leaders have stated their intent to provide recruits and support for al Qaeda in the Arabian Peninsula in Yemen;

Whereas the Government of Eritrea has provided military and financial support for armed opposition groups, including al Shebaab, in part as a proxy front in its continuing tensions with Ethiopia;

Whereas, according to the most recent report by the United Nations Somalia Monitoring Group, arms, ammunitions, and military or dual-use equipment continue to enter Somalia at a fairly steady rate, in violation of the general and complete arms embargo imposed in 1992;

Whereas, in July 2009, the Department of State confirmed that, in addition to other support for the TFG, it had provided cash to purchase weapons and ammunitions for the TFG's efforts ''to repel the onslaught of extremist forces which are intent on destroying the Djibouti peace process'';

Whereas, according to most recent report by the United Nations Somalia Monitoring Group, ''[d]espite infusions of foreign training and assistance, government security forces remain ineffective, disorganized and corrupt — a composite of independent militias loyal to senior government officials and military officers who profit from the business of war and resist their integration under a single command'';

Whereas, on April 13, 2010, President Barack Obama issued an executive order to sanction or freeze the assets of militants who threaten, both directly and indirectly, the stability of Somalia, as well as individuals involved in piracy off Somalia's coast;

Whereas, in March 2009, at a hearing of the Committee on Homeland Security and Government Affairs of the Senate, Andrew Liepman, Deputy Director of Intelligence at the National Counterterrorism Center, noted that ''[s]ince 2006, a number of U.S. citizens [have] traveled to Somalia, possibly to train in extremist training camps'';

Whereas, in September 2009, at a hearing of the Committee on Homeland Security and Government Affairs of the Senate, the Director of the National Counterterrorism Center Michael Leiter testified that ''the potential for al-Qaeda operatives in Somalia to commission Americans to return to the United States and launch attacks against the Homeland remains of significant concern'';

Whereas al Shabaab has claimed responsibility for the bombings in Kampala, Uganda on July 11, 2010, which killed 76 people, including one American, and wounded scores of other people; and

Whereas the extraordinary and ongoing crisis in Somalia has enormous humanitarian consequences and direct national security implications for the United States and our allies in the region: Now therefore be it

Resolved, That the Senate—

(1) acknowledges the urgency of addressing the threats to United States national security in Somalia and the conditions that foster those threats;

(2) reaffirms its commitment to stand with all the people of Somalia who aspire to a future free of terrorism and violence through advancing political reconciliation and building legitimate and inclusive governance institutions;

(3) recognizes the difficult, but very important, work being done by the African Union Mission in Somalia (AMISOM) to help secure parts of Mogadishu, and reaffirms its support for the mission;

(4) calls on the Transitional Federal Government in Somalia—

(A) to cease immediately any use of child soldiers;

(B) to ensure better accountability and transparency for all received security assistance;

(C) to renew its commitment to political reconciliation; and

(D) to take necessary steps toward becoming a more legitimate and inclusive government in the eyes of the people of Somalia;

(5) calls on all actors and governments in the region, particularly the Government of Eritrea, to play a productive role in helping to bring about peace and stability to Somalia, including ceasing to provide any financial or material support to al Shabaab and other armed opposition groups in Somalia;

(6) welcomes efforts by the President to bring greater focus and resources toward understanding and monitoring the situation in Somalia;

(7) urges the President to develop a comprehensive strategy to ensure that all United States humanitarian, diplomatic, political, and counterterrorism programs in Somalia and the wider Horn of Africa are coordinated and making progress toward the long-term goal of establishing stability, respect for human rights, and functional, inclusive governance in Somalia;

(8) urges the President and Secretary of State, as part of a comprehensive strategy—

(A) to provide greater support for a range of diplomatic initiatives to engage clan leaders, business leaders, and civil society leaders in Somalia and the Somali Diaspora in political reconciliation and consensus-building;

(B) to ensure better oversight, monitoring, and transparency of all United States security assistance provided to the TFG;

(C) to increase and strengthen the United States diplomatic team working on Somalia, including the appointment of a senior envoy, and to ensure that these officials have the necessary resources, access, and mandate;

(D) to pursue opportunities for periodic, temporary United States Government travel to Somalia, consistent with any security concerns;

(E) to expand and deepen our engagement with the regional administration of Puntland and other regional administrations in order to promote good governance, effective law enforcement, respect for human rights, and stability in these regions;

(F) to provide additional humanitarian, development, and security assistance to the region of Somaliland, recognizing the positive developments in that region with respect to consolidating multi-party democracy, which was evident in the recent election there;

(G) to outline punitive measures and incentives that can be used with the Government of Eritrea to bring a halt to its financial and material support for armed opposition groups in Somalia, including steps to improve bilateral relations and to push for a resolution of Eritrea's border dispute with Ethiopia consistent with the arbitration decision of the Ethiopia-Eritrea Border Commission;

(H) to explore, in consultation with the Secretary of the Treasury, increased options for pressuring individuals, governments, and other actors who undertake economic activities that support al Shabaab and other armed opposition groups in Somalia; and

(I) to develop, in consultation with the Administrator of the United States Agency for International Development, creative and flexible mechanisms for delivering basic humanitarian and development assistance to the people of Somalia while minimizing the risk of significant diversion to armed opposition groups.

Mr. DURBIN. I ask unanimous consent that the committee-reported substitute amendment to the resolution be agreed to; the resolution, as amended, be agreed to; the committee-reported amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and any statements related to the resolution be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The resolution (S. Res. 573), as amended, was agreed to.

The preamble, as amended, was agreed to.

NATIONAL DAY OF RECOGNITION FOR LONG-TERM CARE PHYSICIANS

Mr. DURBIN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Con. Res. 52.

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

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 52) expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the technical amendment at the desk be agreed to; the resolution, as amended, be agreed to; the preamble be agreed to; and the motion to reconsider be laid upon the table.

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

The amendment (No. 4690) was agreed to, as follows:

On page 2, line 3, after ''March 20'' add '', 2010,''

The resolution (S. Con. Res. 52), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, as amended, reads as follows:

S. CON. RES. 52

Whereas a National Day of Recognition for Long-Term Care Physicians is designed to honor and recognize physicians who care for an ever-growing elderly population in different settings, including skilled nursing facilities, assisted living, hospice, continuing

care retirement communities, post-acute care, home care, and private offices;

Whereas the average long-term care physician has nearly 20 years of practice experience and dedicates themselves to 1 or 2 facilities with nearly 100 residents and patients;

Whereas the American Medical Directors Association is the professional association of medical directors, attending physicians, and others practicing in the long-term continuum and is dedicated to excellence in patient care and provides education, advocacy, information, and professional development to promote the delivery of quality long-term care medicine; and

Whereas the American Medical Directors Association would like to honor founder and long-term care physician William A. Dodd, M.D., C.M.D., who was born on March 20, 1921: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress expresses support for—

(1) the designation of March 20, 2010, as a National Day of Recognition for Long-Term Care Physicians; and

(2) the goals and ideals of a National Day of Recognition for Long-Term Care Physicians.

45TH ANNIVERSARY OF THE WHITE HOUSE FELLOWS PROGRAM

Mr. DURBIN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Con. Res. 72.

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

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 72) recognizing the 45th anniversary of the White House Fellows Program.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 72) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 72

Whereas in 1964, John W. Gardner presented the idea of selecting a handful of outstanding men and women to travel to Washington, DC, to participate in a fellowship program that would educate such men and women about the workings of the highest levels of the Federal Government and about leadership, as they observed Federal officials in action and met with these officials and other leaders of society, thereby strengthening the abilities of such individuals to contribute to their communities, their professions, and the United States;

Whereas President Lyndon B. Johnson established the President's Commission on White House Fellowships, through Executive Order 11183 (as amended), to create a program that would select between 11 and 19 outstanding young citizens of the United States every year and bring them to Washington, DC, for ''first hand, high-level experience in the workings of the Federal Government, to establish an era when the young men and women of America and their government belonged to each other—belonged to each other in fact and in spirit'';

Whereas the White House Fellows Program has steadfastly remained a nonpartisan program that has served 9 Presidents exceptionally well;

Whereas the 672 White House Fellows who have served have established a legacy of leadership in every aspect of our society, including appointments as cabinet officers, ambassadors, special envoys, deputy and assistant secretaries of departments and senior White House staff, election to the House of Representatives, Senate, and State and local governments, appointments to the Federal, State, and local judiciary, appointments as United States Attorneys, leadership in many of the largest corporations and law firms in the United States, service as presidents of colleges and universities, deans of our most distinguished graduate schools, officials in nonprofit organizations, distinguished scholars and historians, and service as senior leaders in every branch of the United States Armed Forces;

Whereas this legacy of leadership is a resource that has been relied upon by the Nation during major challenges, including organizing resettlement operations following the Vietnam War, assisting with the national response to terrorist attacks, managing the aftermath of natural disasters such as Hurricanes Katrina and Rita, providing support to earthquake victims in Haiti, performing military service in Iraq and Afghanistan, and reforming and innovating the national and international securities and capital markets;

Whereas the 672 White House Fellows have characterized their post-Fellowship years with a lifetime commitment to public service, including creating a White House Fellows Community of Mutual Support for leadership at every level of government and in every element of our national life; and

Whereas September 1, 2010, marked the 45th anniversary of the first class of White House Fellows to serve this Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 45th anniversary of the White House Fellows program and commends the White House Fellows for their continuing lifetime commitment to public service;

(2) acknowledges the legacy of leadership provided by White House Fellows over the years in their local communities, the Nation, and the world; and

(3) expresses appreciation and support for the continuing leadership of White House Fellows in all aspects of our national life in the years ahead.

RECOGNIZING THE ANNIVERSARY OF THE TRAGIC SHOOTINGS AT FORD HOOD, TEXAS, ON NOVEMBER 5, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 319, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 319) recognizing the anniversary of the tragic shootings that occurred at Fort Hood, Texas, on November 5, 2009.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 319) was agreed to.

The preamble was agreed to.

HONORING THE 28TH INFANTRY DIVISION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 74, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 74) honoring the 28th Infantry Division for serving and protecting the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent 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 this measure be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 74) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 74

Whereas some units of the 28th Infantry Division date back to 1747;

Whereas units that would one day comprise the 28th Infantry Division served in the Revolutionary War, including units that served in the Continental Army under General George Washington;

Whereas what eventually became the 28th Infantry Division was initially established March 12 through 20, 1879, as the Division of the National Guard of Pennsylvania, and is recognized as the oldest, continuously serving division in the Army;

Whereas the 28th Infantry Division as we know it today was formed on September 1, 1917, and was integral to the success of World War I campaigns in the European theater, including those in Champagne, Champagne-Marne, Aisne-Marne, Oise-Aisne, Lorraine, and Meuse-Argonne;

Whereas the 28th Infantry Division adopted the title of ''Iron Division'' for the valiant efforts of the Division during World War I;

Whereas the 28th Infantry Division contributed to military operations in Normandy, Northern France, Rhineland,

Ardennes-Alsace, and Central Europe during World War II;

Whereas the 28th Infantry Division withstood the onslaught of the German offensive during the Battle of the Bulge, giving time for reinforcements to arrive and defeat the Germans;

Whereas the 28th Infantry Division was Federalized again in 1950 to serve in Germany;

Whereas the 28th Infantry Division was folded into the Army Selective Reserve Force during the Vietnam War;

Whereas the 28th Infantry Division aided relief efforts throughout the devastating aftermath of Hurricane Agnes in 1972;

Whereas the 28th Infantry Division was called to action during the partial meltdown of the nuclear reactor of the Three Mile Island Nuclear Generating Station in 1979;

Whereas elements of the 28th Infantry Division contributed to the international coalition forces in Operation Desert Storm;

Whereas the 28th Infantry Division and its detached units mobilized and deployed as part of peacekeeping missions in Bosnia-Herzegovina, the Republic of Kosovo, and the Sinai Peninsula;

Whereas the 28th Infantry Division deployed troops as part of Operation Noble Eagle in the aftermath of the September 11, 2001, attacks;

Whereas the 28th Infantry Division deployed troops to Afghanistan as part of Operation Enduring Freedom, and helped to secure the country and bring humanitarian relief to the Afghan people;

Whereas in Operation Iraqi Freedom, elements of the 28th Infantry Division played a role in the invasion of Iraq, the provision of security in post-invasion Iraq, the training of an Iraqi police force, the securing of transport convoys, and the safe detainment of suspected terrorists;

Whereas more than 2,600 soldiers of the 28th Infantry Division remain missing in action from World War I and World War II;

Whereas the 28th Infantry Division has 127 units in 90 armories in 75 cities across the Commonwealth of Pennsylvania;

Whereas the 28th Infantry Division has been sent to aid portions of the United States affected by winter storms, flooding, violent windstorms, and other severe weather emergencies; and

Whereas 10 recipients of the Medal of Honor, the Nation's highest award for valor, have been soldiers of the 28th Infantry Division: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the 28th Infantry Division for serving and protecting the United States; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Adjutant General of the Pennsylvania National Guard for appropriate display.

RESOLUTIONS SUBMITTED TODAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 667, S. Res. 668, S. Res. 669, S. Res. 670, S. Res. 671, and S. Res. 672.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and that any statements relating to the resolutions be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 667

Recognizing the 40th anniversary of the Coastal Organization

Whereas, in 2010, the Coastal States Organization (referred to in this preamble as the ''CSO'') is celebrating its 40th anniversary of representing the Governors of the 35 coastal States, commonwealths, and territories of the United States on issues relating to the sound management of coastal, ocean, and Great Lakes resources;

Whereas the CSO was created in 1969 by a resolution, which was endorsed unanimously, of the National Governors Association;

Whereas, in January 1970, the first meeting of the CSO was held in Savannah, Georgia;

Whereas, in October 2010, the CSO will celebrate its 40th anniversary in Monterey, California;

Whereas the CSO has been empowered to contribute to the development and operation of the national coastal zone management program, which was established by the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

Whereas the CSO is a nonpartisan organization comprised of economically, environmentally, geographically, and socially diverse States, territories, and commonwealths;

Whereas the CSO serves as a means for the Governors of the member States, territories, and commonwealths to communicate with Congress and the executive branch on coastal, ocean, and Great Lakes policies, programs, and affairs; and

Whereas the member States, territories, and commonwealths of the CSO have a responsibility to work with the Federal Government to manage and conserve the public trust in coastal and ocean ecosystems as well as the quality of life in coastal communities for the benefit of current and future generations: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th anniversary of the Coastal States Organization; and

(2) supports the role of States, territories, and commonwealths in the stewardship of coastal, ocean, and Great Lakes resources.

S. RES. 668

Expressing support for the designation of October 20, 2010, as the ''National Day on Writing''

Whereas people in the 21st century are writing more than ever before for personal, professional, and civic purposes;

Whereas the social nature of writing invites people of every age, profession, and walk of life to create meaning through composing;

Whereas more and more people in every occupation deem writing as essential and influential in their work;

Whereas writers continue to learn how to write for different purposes, audiences, and occasions throughout their lifetimes;

Whereas developing digital technologies expand the possibilities for composing in multiple media at a faster pace than ever before;

Whereas young people are leading the way in developing new forms of composing by using different forms of digital media;

Whereas effective communication contributes to building a global economy and a global community;

Whereas the National Council of Teachers of English, in conjunction with its many national and local partners, honors and celebrates the importance of writing through the National Day on Writing;

Whereas the National Day on Writing celebrates the foundational place of writing in the personal, professional, and civic lives of the people of the United States;

Whereas the National Day on Writing provides an opportunity for individuals across the United States to share and exhibit their written works through the National Gallery of Writing;

Whereas the National Day on Writing highlights the importance of writing instruction and practice at every educational level and in every subject area;

Whereas the National Day on Writing emphasizes the lifelong process of learning to write and compose for different audiences, purposes, and occasions;

Whereas the National Day on Writing honors the use of the full range of media for composing, from traditional tools like print, audio, and video, to Web 2.0 tools like blogs, wikis, and podcasts; and

Whereas the National Day on Writing encourages all people of the United States to write, as well as to enjoy and learn from the writing of others: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of October 20, 2010, as the ''National Day on Writing'';

(2) strongly affirms the purposes of the National Day on Writing;

(3) encourages participation in the National Galley of Writing, which serves as an exemplary living archive of the centrality of writing in the lives of the people of the United States; and

(4) encourages educational institutions, businesses, community and civic associations, and other organizations to promote awareness of the National Day on Writing and celebrate the writing of the members those organizations through individual submissions to the National Gallery of Writing.

S. RES. 669

Recognizing Filipino American History Month in October 2010

Whereas, the earliest documented Filipino presence in the continental United States was on October 18, 1587, when the first ''Luzones Indios'' set foot in Morro Bay, California, on board the Manila-built galleon ship Nuestra Senora de Esperanza;

Whereas, the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo, Louisiana, which set in motion the focus on the story of our Nation's past from a new perspective by concentrating on the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the history of the United States;

Whereas, the Filipino-American community is the second largest Asian-American group in the United States, with a population of approximately 3,100,000 people;

Whereas, Filipino-American servicemen and servicewomen have a longstanding history serving in the Armed Services, from the Civil War to the Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend this country;

Whereas, 9 Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an

individual serving in the United States Armed Forces;

Whereas, Filipino Americans are an integral part of the United States health care system as nurses, doctors, and other medical professionals;

Whereas, Filipino Americans have contributed greatly to the fine arts, music, dance, literature, education, business, literature, journalism, sports, fashion, politics, government, science, technology, and other fields in the United States that enrich the landscape of the country;

Whereas, efforts should continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color have been overlooked in the writing, teaching, and learning of United States history;

Whereas, it is imperative for Filipino-American youth to have positive role models to instill in them the importance of education, complemented with the richness of their ethnicity and the value of their legacy; and

Whereas, Filipino American History Month is celebrated during the month of October 2010: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Filipino American History Month 2010 as a study of the advancement of Filipino Americans, as a time of reflection and remembrance, and as a time to renew efforts toward the research and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the Nation; and

(2) urges the people of the United States to observe Filipino American History Month 2010 with appropriate programs and activities.

S. RES. 670

Designating the week beginning on Monday, November 8, 2010, as ''National Veterans History Project Week''

Whereas 2010 marks the 10th anniversary of the establishment of the Veterans History Project by Congress in order to collect and preserve the wartime stories of veterans of the Armed Forces of the United States;

Whereas Congress charged the American Folklife Center at the Library of Congress to undertake the Veterans History Project and to engage the public in the creation of a collection of oral histories that would be a lasting tribute to individual veterans;

Whereas the Veterans History Project relies on a corps of volunteer interviewers, partner organizations, and an array of civic minded institutions nationwide who interview veterans according to the guidelines outlined by the project;

Whereas these oral histories have created an abundant resource for scholars to gather first-hand accounts of veterans' experience in World War I, World War II, the Korean War, the Vietnam War, the Persian Gulf War, and the Afghanistan and Iraq conflicts;

Whereas there are 17,000,000 wartime veterans in the United States whose stories can educate people of all ages about important moments and events in the history of the United States and the world and provide instructive narratives that illuminate the meanings of ''service'', ''sacrifice'', ''citizenship'', and ''democracy'';

Whereas more than 70,000 oral histories have already been collected and more than 8,000 oral histories are fully digitized and available through the website of the Library of Congress;

Whereas the Veterans History Project will increase the number of oral histories that can be collected and preserved and increase the number of veterans it honors; and

Whereas ''National Veterans Awareness Week'' has been recognized by Congress in previous years: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on Monday, November 8, 2010, as ''National Veterans History Project Week'';

(2) calls on the people of the United States to interview at least 1 veteran in their families or communities according to guidelines provided by the Veterans History Project; and

(3) encourages national, State, and local organizations along with Federal, State, city, and county governmental institutions to participate in support of the effort to document, preserve, and honor the service of veterans of the Armed Forces of the United States.

S. RES. 671

Supporting the goals and ideals of Red Ribbon Week, 2010

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique ''Kiki'' Camarena, a special agent of the Drug Enforcement Administration for 11 years who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas 2010 marks 25 years since the death of Special Agent Camarena;

Whereas the Red Ribbon Campaign was established by the National Family Partnership to preserve the memory of Special Agent Camarena and further the cause for which he gave his life;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 and is now the oldest and largest drug prevention program in the United States, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, established in 1973, aggressively targets organizations involved in the growing, manufacturing, and distribution of controlled substances and has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and attorneys general of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, PRIDE Youth Programs, the Drug Enforcement Administration, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas, between 1997 and 2007, the percentages of admissions to substance abuse treatment programs as a result of the abuse of marijuana and methamphetamines rose significantly;

Whereas drug dealers specifically target children by marketing illicit drugs that mimic the appearance and names of well-known brand-name candies and foods; and

Whereas parents, youth, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during the week-long celebration of Red Ribbon Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2010;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to—

(A) promote the creation of drug-free communities; and

(B) participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

S. RES. 672

Designating October 9, 2010, as ''National Chess Day'' to enhance awareness and encourage students and adults to engage in a game known to enhance critical thinking and problem-solving skills

Whereas it is estimated that chess is played by 39,000,000 people in the United States;

Whereas there are over 75,000 members of the United States Chess Federation (referred to in this preamble as the ''Federation''), and unknown numbers of additional people in the United States who play the game without joining an official organization;

Whereas approximately half of the members of the Federation are scholastic members, and many of the scholastic members join by the age of 10;

Whereas the Federation is very supportive of the scholastic programs and sponsors a Certified Chess Coach program that provides the coaches involved in the scholastic programs training and ensures schools and students can have confidence the program;

Whereas many studies have linked chess programs to the improvement of student scores in reading and math, as well as improved self-esteem, and the Federation offers a school curriculum to educators to help incorporate chess into the school curriculum;

Whereas chess is a powerful cognitive learning tool that can be used to successfully enhance reading and math concepts; and

Whereas chess engages students of all learning styles and strengths and promotes problem-solving and higher-level thinking skills: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 9, 2010, as ''National Chess Day''; and

(2) encourages the people of the United States to observe ''National Chess Day'' with appropriate programs and activities.

MEASURES READ THE FIRST TIME—H.R. 4168, H.R. 4337, AND H.R. 847

Mr. DURBIN. Mr. President, I understand there are three bills at the desk, and I ask for their first reading en bloc.

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

The clerk will report the bills by title en bloc.

The assistant legislative clerk read as follows:

A bill (H.R. 4168) to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property.

A bill (H.R. 4337) to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

A bill (H.R. 847) to amend the Public Health Service Act to extend and improve

protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and so forth and for other purposes.

Mr. DURBIN. I now ask for a second reading en bloc and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

SIGNING AUTHORITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills and joint resolutions until Monday, October 4.

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

APPOINTMENT AUTHORITY

Mr. DURBIN. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. DURBIN. I ask unanimous consent that notwithstanding a recess or adjournment of the Senate, Senate committees may file committee-reported executive and legislative calendar business on Friday, October 1, from 12 noon to 2 p.m., and on Tuesday, October 26, from 12 noon to 2 p.m.

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

TRIBUTES FOR THE LATE SENATOR STEVENS

Mr. DURBIN. Mr. President, I ask unanimous consent that tributes for the late Senator Stevens be printed as a Senate document and the deadline for statements to be submitted to the CONGRESSIONAL RECORD be Wednesday, November 17, 2010.

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

ORDERS FOR PRO FORMA SESSIONS AND FOR MONDAY, NOVEMBER 15, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 11:30 a.m. Friday, October 1; that on Friday, the Senate meet in pro forma session only with no business conducted; that at the close of the pro forma session, the Senate then stand in recess and convene on the dates in this consent and on each date listed, conduct a pro forma session only with no business conducted: Tuesday, October 5 at 11 a.m.; Friday, October 8 at 11:30 a.m.; Tuesday, October 12 at 10 a.m.; Friday, October 15 at 10 a.m.; Tuesday, October 19 at 12 noon; Friday, October 22 at 1 p.m.; Tuesday, October 26 at 12 noon; Friday, October 29 at 11:30 a.m.; Monday, November 1 at 9 a.m.; Thursday, November 4 at 9 a.m.; Monday, November 8 at 12 noon; Wednesday, November 10 at 9:30 a.m.; Friday, November 12 at 9:30 a.m.; that at the close of the pro forma session on Friday, November 12, the Senate then stand adjourned until 2 p.m., Monday, November 15 under the authority of H. Con. Res. 321; that on Monday, November 15, after 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 proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

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

PROGRAM

Mr. DURBIN. Mr. President, there will be no rollcall votes on Monday, November 15. Senators can expect the next vote to occur on Wednesday morning, November 17.

On behalf of the Senate, I extend our thanks to the Presiding Officer for his extraordinary contribution, his work in the chair, and for the duty he has assumed this evening.

I also thank all members of the staff, as Senator REID would say, within the sound of my voice.

ADJOURNMENT UNTIL FRIDAY, OCTOBER 1, 2010, AT 11:30 A.M.

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 11:54 p.m., adjourned until Friday, October 1, 2010, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

CAITLIN JOAN HALLIGAN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JOHN G. ROBERTS, JR., ELEVATED.

JIMMIE V. REYNA, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE HALDANE ROBERT MAYER, RETIRED.

RICHARD BROOKE JACKSON, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE PHILLIP S. FIGA, DECEASED.

MAE A. D'AGOSTINO, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE FREDERICK J. SCULLIN, JR., RETIRED.

DEPARTMENT OF JUSTICE

WILLIAM CONNER ELDRIDGE, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE ROBERT CRAMER BALFE, III, RESIGNED.

KENNETH F. BOHAC, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE CENTRAL DISTRICT OF ILLINOIS FOR TERM OF FOUR YEARS, VICE STEVEN D. DEATHERAGE, TERM EXPIRED.

STATE JUSTICE INSTITUTE

ISABEL FRAMER, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2012, VICE CARLOS R. GARZA, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PAULA BARKER DUFFY, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE HARVEY KLEHR, TERM EXPIRED.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

SUSAN H. HILDRETH, OF WASHINGTON, TO BE DIRECTOR OF THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES, VICE ANNE—IMELDA RADICE.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARTHA WAGNER WEINBERG, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016 , VICE HERMAN BELZ, TERM EXPIRED.

MILLENNIUM CHALLENGE CORPORATION

MARK GREEN, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS, VICE WILLIAM H. FRIST, TERM EXPIRING.

DEPARTMENT OF STATE

THOMAS R. NIDES, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF STATE FOR MANAGEMENT AND RESOURCES, VICE JACOB J. LEW.

MILLENNIUM CHALLENGE CORPORATION

ALAN J. PATRICOF, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF TWO YEARS. (REAPPOINTMENT)

DEPARTMENT OF DEFENSE

JO ANN ROONEY, OF MASSACHUSETTS, TO BE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, VICE MICHAEL L. DOMINGUEZ.

MICHAEL VICKERS, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE, VICE JAMES R. CLAPPER, JR.

FOREIGN SERVICE

THE FOLLOWING—NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO AND WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

PATRICIA A. BUTENIS, OF VIRGINIA
JANICE L. JACOBS, OF VIRGINIA
D. KATHLEEN STEPHENS, OF VIRGINIA
ALEJANDRO DANIEL WOLFF, OF CALIFORNIA
DONALD Y. YAMAMOTO, OF NEW YORK

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

CYNTHIA HELEN AKUETTEH, OF MARYLAND
RICHARD ALAN ALBRIGHT, OF OHIO
WAYNE B. ASHBERY, OF VIRGINIA
JUDITH R. BAROODY, OF VIRGINIA
ERIC D. BENJAMINSON, OF OREGON
JENNIFER V. BONNER, OF VIRGINIA
JAMES L. CLEVELAND, OF CALIFORNIA
DANIEL ANTHONY CLUNE, OF MARYLAND
KIMBERLY J. DEBLAUW, OF VIRGINIA
THOMAS LAWRENCE DELARE, OF VIRGINIA
GREGORY TORRENCE DELAWIE, OF VIRGINIA
LINDA L. DONAHUE, OF VIRGINIA
SUSAN M. ELBOW, OF THE DISTRICT OF COLUMBIA
HENRY S. ENSHER, OF VIRGINIA
JOHN D. FEELEY, OF THE DISTRICT OF COLUMBIA
PAUL A. FOLMSBEE, OF TEXAS
DAVID R. GILMOUR, OF TEXAS
SHEILA S. GWALTNEY, OF CALIFORNIA
GRETA CHRISTINE HOLTZ, OF MARYLAND
MARY VIRGINIA JEFFERS, OF MARYLAND
SYLVIA DOLORES JOHNSON, OF TEXAS
TINA S. KAIDANOW, OF NEW YORK
RONALD JAMES KRAMER, OF TEXAS
CHRISTOPHER A. LAMBERT, OF VIRGINIA
THERESA MARY LEECH, OF VIRGINIA
ALBERTA MAYBERRY, OF VIRGINIA
GEORGES F. MCCORMICK, OF CALIFORNIA
RAYMOND GERARD MCGRATH, OF VIRGINIA
MARIA ELIZABETH MCKAY, OF FLORIDA
KENNETH H. MERTEN, OF VIRGINIA
PETER J. MOLBERG, OF MISSOURI
ADAM E. NAMM, OF VIRGINIA
THOMAS CLINTON NIBLOCK, JR., OF TENNESSEE
MICHAEL S. OWEN, OF TENNESSEE
MARK A. PEKALA, OF MARYLAND
ROBERTO POWERS, OF CALIFORNIA
EDWARD JAMES RAMOTOWSKI, OF CONNECTICUT
PHILIP THOMAS REEKER, OF NEW YORK

LAWRENCE G. RICHTER, OF CALIFORNIA
ERIC T. SCHULTZ, OF COLORADO
KARL STOLTZ, OF VIRGINIA
DAVID L. STONE, OF LOUISIANA
LUCY TAMLYN, OF NEW YORK
MARY THOMPSON-JONES, OF VIRGINIA
KURT WALTER TONG, OF MARYLAND
MARK A. WENTWORTH, OF VIRGINIA
ROBERT EARL WHITEHEAD, OF FLORIDA
BISA WILLIAMS, OF TEXAS
BRUCE WILLIAMSON, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

SUSAN K. ABEYTA, OF NEW YORK
WHITNEY YOUNG BAIRD, OF NORTH CAROLINA
CHARLES EDWARD BENNETT, OF WASHINGTON
JOHN T. BERNLOHR, OF CALIFORNIA
PAUL LAWRENCE BOYD, OF NEW MEXICO
DAVID EDWARD BROWN, OF FLORIDA
ANGELA ANN BRYAN, OF TEXAS
JUDITH L. BRYAN, OF TEXAS
KATE M. BYRNES, OF FLORIDA
FLOYD STEVEN CABLE, OF NEW YORK
AUBREY A. CARLSON, OF TEXAS
ANNE S. CASPER, OF NEVADA
JEFFREY R. CELLARS, OF CALIFORNIA
THOMAS E. COONEY, OF NEW YORK
MARY ELLEN COUNTRYMAN, OF WASHINGTON
TERRY R. DAVIDSON, OF TEXAS
KAREN BERNADETTE DECKER, OF VIRGINIA
WILLIAM H. DUNCAN, OF TEXAS
MICHELLE M. ESPERDY, OF PENNSYLVANIA
JOHN J. FENNERTY, OF VIRGINIA
ROBERT W. FORDEN, OF CALIFORNIA
PHILIP A. FRAYNE, OF NEW YORK
JENNIFER ZIMDAHL GALT, OF COLORADO
ETHAN AARON GOLDRICH, OF MARYLAND
KATHLEEN D. HANSON, OF THE DISTRICT OF COLUMBIA
JEFFREY J. HAWKINS, OF CALIFORNIA
L. VICTOR HURTADO, OF COLORADO
MICHAEL JOSEPH JACOBSEN, OF TEXAS
CATHERINE J. JARVIS, OF MINNESOTA
DEBORAH A. JONES, OF VIRGINIA
JULIE LYNN KAVANAGH, OF VIRGINIA
VIRGINIA IDELLE KEENER, OF MARYLAND
MICHAEL STANLEY KLECHESKI, OF VIRGINIA
DEBORAH E. KLEPP, OF NEW YORK
MICHELLE A. LABONTE, OF VIRGINIA
ALEXANDER MARK LASKARIS, OF THE DISTRICT OF COLUMBIA
KENT D. LOGSDON, OF FLORIDA
MATTHEW ROBERT LUSSENHOP, OF MINNESOTA
JOSEPH MANSO, OF NEW YORK
ELIZABETH LEE MARTINEZ, OF OHIO
LARRY L. MEMMOTT, OF FLORIDA
ROBIN D. MEYER, OF THE DISTRICT OF COLUMBIA
MARC J. MEZNAR, OF MICHIGAN
ELISABETH INGA MILLARD, OF VIRGINIA
MATTHAIS J. MITMAN, OF FLORIDA
MICHAEL KENT MORROW, OF VIRGINIA
KIN WAH MOY, OF NEW YORK
WARREN PATRICK MURPHY, OF VIRGINIA
ROBERT STEPHEN NEEDHAM, OF FLORIDA
ERIC G. NELSON, OF TEXAS
BETH A. PAYNE, OF THE DISTRICT OF COLUMBIA
MARK X. PERRY, OF MARYLAND
ANN E. PFORZHEIMER, OF NEW YORK
MARY CATHERINE PHEE, OF THE DISTRICT OF COLUMBIA
PAUL P. POMETTO II, OF THE DISTRICT OF COLUMBIA
ELIZABETH CANDACE PUTNAM, OF VIRGINIA
ANDREW J. QUINN, OF NEW YORK
ROBIN S. QUINVILLE, OF CALIFORNIA
MICHAEL A. RATNEY, OF MASSACHUSETTS
SCOTT M. RAULAND, OF FLORIDA
CHRISTOPHER J. RICHARD, OF VIRGINIA
ELIZABETH H. RICHARD, OF TEXAS
ADELE E. RUPPE, OF MARYLAND
CHRISTOPHER J. SANDROLINI, OF ILLINOIS
DOROTHY KREBS SARRO, OF ARIZONA
CYNTHIA C. SHARPE, OF TEXAS
CHERYL JANE SIM, OF VIRGINIA
JOHN STEVENS, OF CALIFORNIA
SUSAN N. STEVENSON, OF FLORIDA
KEVIN KING SULLIVAN, OF CALIFORNIA
BRUCE IRVIN TURNER, OF COLORADO
THOMAS LASZLO VAJDA, OF VIRGINIA
J. RICHARD WALSH, OF WYOMING
PATRICK WILLIAM WALSH, OF CONNECTICUT
BRIAN WILLIAM WILSON, OF WASHINGTON

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JAN D. ABBOTT, OF VIRGINIA
FREDERICK M. ARMAND, JR., OF FLORIDA
CHARLES D. BRANDEIS, OF VIRGINIA
ROBERT J. BROWNING II, OF WASHINGTON
JAMES D. COMBS, OF VIRGINIA
JASPER RAY DANIELS, OF NORTH CAROLINA
KIMBER E. DAVIDSON, OF VIRGINIA
STEPHEN G. FAKAN, OF OHIO
JOHN E. FITZSIMMONS, OF MARYLAND
CHRISTOPHER F. FLYNN, OF VIRGINIA
LAWRENCE W. GERNON, OF VIRGINIA
ROBERT E. GOODRICH, OF VIRGINIA
HOWARD LEE KEEGAN, OF TEXAS
JAMES A. LEHMAN, OF CALIFORNIA
JERI LYNN LOCKMAN, OF WYOMING
MONTE P. MAKOUS, OF PENNSYLVANIA
GEORGE M. NUTWELL III, OF MARYLAND
DANIEL J. POWER, OF MARYLAND
KURT R. RICE, OF VIRGINIA
CRAIG W. SPECHT, OF FLORIDA
KEITH A. SWINEHART, OF ILLINOIS

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JULIA A. HEIN
ARMIN D. CATE
GARY T. MARTIN
JOHN J. ANCELLOTTI
KATHLEEN J. FAST
SUSAN L. SUBOCZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

THOMAS ALLAN
KORY J. BENZ
ROBERT A. BEVINS
PAUL E. BOINAY
WILLIAM J. BURNS
GREGORY D. CASE
SCOTT W. CLENDENIN
TIMOTHY P. CONNORS
SAMUEL R. CREECH
CHRISTINE N. CUTTER
LAURA M. DICKEY
MICHAEL C. DICKEY
DIANE W. DURHAM
TIMOTHY J. ESPINOZA
MARK ANDREW EYLER
JON G. GAGE
SEAN P. GILL
RICHARD HAHN
PATRICIA J. HILL
JAMES T. HURLEY
JAMES K. INGALSBE
KENNETH D IVERY
ERIC W. JOHNSON
MICHAEL J. JOHNSTON
THOMAS L. KAYE
CHRISTOPHER S. KEANE
JOSEPH B. KIMBALL
JAMES C. KOERMER
JOHN T. KONDRATOWICZ
AMY B. KRITZ
ERIK C. LANGENBACHER
WILLIAM J. LAWRENCE
RICHARD E. LORENZEN
TODD W. LUTES
ROBERT D. MACLEOD
TIMOTHY M. MCGUIRE
PETER A. MINGO
DAVID W. MURK
JOHN P. NEWBY
ANDREW J. NORRIS
JAMES S. OKEEFE
GEORGE J. PAITL
GREGORY T. PRESTIDGE
JEFFREY L. RADGOWSKI
LUKE M. REID
PHILIP C. SCHIFFLIN
SANDRA K. SELMAN
DAVID P. SEMNOSKI
JOHN P. SLAUGHTER
ANDREW M. SUGIMOTO
BRIAN P. THOMPSON
DANIEL J. TRAVERS
DARRYL P. VERFAILLIE
EVAN WATANABE
GEORGE P. WELZANT
CASEY J. WHITE
TODD C. WIEMERS
STEVEN M. WISCHMANN
AYLWYN S. YOUNG

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DIANE J. BOESE
MICHAEL P. ELLERBE
DEIRDRE M. KANE
DAMON T. MATHIS
MICHAEL W. MCDOUGAL
PHILIP N. WASYLINA

IN THE NAVY

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

PATRICK C. DANIELS
THOMAS L. EDLER

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent:

*ROBERT P. MIKULAK, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS.

*KRISTIE ANNE KENNEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

Nominee: Kristie Anne Kenney.

Post: Chief of Mission, Thailand.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: n/a.

4. Parents: Jeremiah J. Kenney, Jr.: (deceased 5/08/05); Elizabeth Kenney: no contributions.

5. Grandparents: Jeremiah J. Kenney: deceased 1972; Selma J. Kenney: deceased 1985; George Cornish: deceased 1945; Irma Cornish: deceased 1972.

6. Brothers and Spouses: John J. Kenney: no contributions; Maria Delsasi: no contributions.

7. Sisters and Spouses: n/a.

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*JO ELLEN POWELL, OF MARYLAND, 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 ISLAMIC REPUBLIC OF MAURITANIA.

Nominee: Jo Ellen Powell.

Post: Mauritania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Stephen Engelken: none.

3. Children and Spouses: John B.S. Engelken: none.

4. Parents: John Millard Powell: deceased; Janes Rogers Powell: deceased.

Parents in Law: Howard Clason Engelken: deceased; Ruth Emily Engelken: deceased.

5. Grandparents: Lasca Beauchamp Martin: deceased; Joseph Martin: deceased.

6. Brothers and Spouses: none.

7. Sisters and Spouses: Susan Jane Powell: none; Spouse Michael Hayre: deceased; Sara Rogers Powell: none; Ex-spouse Michael Kirkendall: unknown*; Mary John Powell: none.

*My sister Sara was divorced nearly 20 years ago and I have not seen her former spouse in 20 years. I do not know his whereabouts.

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*MARK M. BOULWARE, OF TEXAS, 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 CHAD.

*CHRISTOPHER J. MCMULLEN, 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 THE REPUBLIC OF ANGOLA.

Nominee: Christopher J. McMullen.

Post: Angola.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Laurel A. McMullen: none.

3. Children and Spouses: NA.

4. Parents (both deceased): Francis J. McMullen: none; Albertine McMullen: none.

5. Grandparents (all deceased): Patrick McMullen: none; Maryann Maguire: none; William J. Kelly: none; Albertine Sanger: none.

6. Brothers and Spouses: Francis J. McMullen: $25.00, 8/08, Jane Ballard Dyer (D) 3rd Congressional District, Easley, SC; $50.00, 10/09, Jane Ballard Dyer (D) 3rd Congressional District, Easley, SC. Christine McMullen: none.

7. Sisters and Spouses: Joan Finnegan: none; William Finnegan: none.

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*WANDA L. NESBITT, OF PENNSYLVANIA, 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 NAMIBIA.

Nominee: Wanda L. Nesbitt.

Post: Ambassador to the Republic of Namibia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: (no children).

4. Parents: James Wolfe Nesbitt: none—deceased; Edna Delacey Pearson: None—deceased.

5. Grandparents: None—grandparents deceased since 1964.

6. Brothers and Spouses: James W. Nesbitt, Jr.: none.

7. Sisters and Spouses*: Cheryl D. Nesbitt: $2,500.00, 8/31/07, Obama; Gloria Lynn Nesbitt: $2,500.00, 8/31/07, Obama. Natalie A. Nesbitt: $2,500.00, 8/31/07, Obama.

*Donations are identical because they were for attendance at an event hosted by Oprah Winfrey.

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*KAREN BREVARD STEWART, OF FLORIDA, 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 LAO PEOPLE'S DEMOCRATIC REPUBLIC.

Nominee: Karen Brevard Stewart.

Post: Ambassador to Laos.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: no spouse.

3. Children and Spouses: no children.

4. Parents: Selden L. Stewart II: deceased; Brevard N. Stewart: deceased.

5. Grandparents: Selden L. Stewart: deceased; Nancy Stewart: deceased; Roy D. Stubbs: deceased; Georgia S. Stubbs: deceased.

6. Brothers and Spouses: Selden L. Stewart III: deceased; (spouse) Kathryn H. Stewart: none; David N. Stewart and (spouse) Christine L. Stewart: 2010 to date (January to March): none; 2009: Libertarian National Party, 100.00; The Heritage Foundation, 25.00; Club for Growth PAC, 20.00; Pat Toomey for Senate—PA, 50.00; Marijuana Policy Project PAC, 100.00; Dough Hoffman for Congress—NY, 30.00; National Republican Senate Committee, 25.00. 2008: Libertarian National Committee, 125.00; Woody Jenkins for Congress—LA, 60.00; Obama for America, 135.00; Barr 08 Presidential Committee, 250.00; Marijuana Policy Project PAC, 225.00; Comerica PAC, 235.00. 2007: Libertarian Party, 25.00; Romney for President, 25.00; John Edwards for President, 75.00; Club for Growth, 100.00; Steve Buehrer (R–Ohio), 100.00. 2006: Libertarian National Committee, 75.00; Jim Gilchrist for Congress—CA, 100.00; Club for Growth, 250.00; Texans for Cuellar (D–TX–28), 100.00; A. Smith for Congress (R–NE–3), 150.00; Angle for Congress (R–NV–2), 50.00; Laffey US Senate—RI, 150.00; Keith Butler for US Senate—MI, 100.00; Sali for Congress (R–ID–1), 50.00; Mark Kennedy US Senate 2006—MN, 50.00; Krinkie for Congress (R–MN–6), 50.00; Walberg for Congress (MI–7), 150.00; Vernon Robinson for Congress (R–NC–13), 50.00; Scjwartz for Senate (MI Libertarian), 200.00; Calvey for Congress (OK–5) 50.00; Friends of Bill Hall, Libertarian, 34.00.

7. Sisters and Spouses: no sisters.

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*NANCY E. LINDBORG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

*DONALD KENNETH STEINBERG, OF CALIFORNIA, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

*CAMERON MUNTER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

Nominee: Cameron Phelps Munter.

Post: U.S. Embassy Islamabad.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: N/A.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: N/A.

5. Grandparents: N/A.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: N/A.

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*PAMELA ANN WHITE, OF MAINE, CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSABOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

Nominee: Pamela Ann White.

Post: Gambia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: I gave to Obama campaign in January and June 2008, $400.00.

2. Spouse: Steve Cowper: none.

3. Children and Spouses: Kristopher White: none; Patrick White: none.

4. Parents: Muriel and Richard Murphy: none.

5. Grandparents: deceased.

6. Brothers and Spouses: Sandra Nadeau: none.

7. Sisters and Spouses: Edmund Nadeau: none.

The Senate Committee on the Judiciary was discharged from further consideration of the following nominations by unanimous consent:

MICHAEL C. ORMSBY, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS.

MARK F. GREEN, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

PAUL CHARLES THIELEN, OF SOUTH DAKOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS.

THE SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY WAS DISCHARGED FROM FURTHER CONSIDERATION OF THE FOLLOWING NOMINATIONS BY UNANIMOUS CONSENT.

KEVIN W. CONCANNON, OF MAINE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

KATHLEEN A. MERRIGAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

JAMES W. MILLER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

DALLAS P. TONSAGER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, September 29, 2010:

LEGAL SERVICES CORPORATION

JULIE A. REISKIN, OF COLORADO, TO BE MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13 , 2010.

GLORIA VALENCIA—WEBER, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011.

DEPARTMENT OF STATE

RAUL YZAGUIRRE, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

FEDERAL RESERVE SYSTEM

SARAH BLOOM RASKIN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2002.

JANET L. YELLEN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2010.

JANET L. YELLEN, OF CALIFORNIA, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS.

DEPARTMENT OF ENERGY

ANNE M. HARRINGTON, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

DEPARTMENT OF JUSTICE

JOSEPH H. HOGSETT, OF INDIANA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS.

MICHAEL J. MOORE, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

BEVERLY JOYCE HARVARD, OF GEORGIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

JAMES EDWARD CLARK, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

KENNETH JAMES RUNDE, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

MICHAEL ROBERT BLADEL, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

FEDERAL HOUSING FINANCE AGENCY

STEVE A. LINICK, OF VIRGINIA, TO BE INSPECTOR GENERAL OF THE FEDERAL HOUSING FINANCE AGENCY.

EXPORT-IMPORT BANK OF THE UNITED STATES

OSVALDO LUIS GRATACOS MUNET, OF PUERTO RICO, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK.

AFRICAN DEVELOPMENT FOUNDATION

EDWARD W. BREHM, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2011.

JOHNNIE CARSON, AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2015.

MIMI E. ALEMAYEHOU, EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2015.

DEPARTMENT OF STATE

DUANE E. WOERTH, OF NEBRASKA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

ALEXANDER A. ARVIZU, 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 THE REPUBLIC OF ALBANIA.

JOSEPH A. MUSSOMELI, 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 THE REPUBLIC OF SLOVENIA.

DEPARTMENT OF JUSTICE

WILLIAM C. KILLIAN, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

ROBERT E. O'NEILL, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

ALBERT NAJERA, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

WILLIAM CLAUD SIBERT, OF MISSOURI, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

MYRON MARTIN SUTTON, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS.

DAVID MARK SINGER, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

JEFFREY THOMAS HOLT, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

STEVEN CLAYTON STAFFORD, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

MARY MINOW, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2014.

NATIONAL SCIENCE FOUNDATION

SUBRA SURESH, OF MASSACHUSETTS, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF SIX YEARS.

NATIONAL COUNCIL ON DISABILITY

PAMELA YOUNG-HOLMES, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013.

LEGAL SERVICES CORPORATION

HARRY JAMES FRANKLYN KORRELL III, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011.

JOSEPH PIUS PIETRZYK, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011.

JULIE A. REISKIN, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2013.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ALFRED J. STEWART

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHRISTOPHER J. BENCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES M. KOWALSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8034 AND 601:

To be general

LT. GEN. PHILIP M. BREEDLOVE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM L. SHELTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD Y. NEWTON III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. HERBERT J. CARLISLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STANLEY T. KRESGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. SUSAN J. HELMS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DARRELL D. JONES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LARRY D. JAMES

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. ARTHUR W. HINAMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CURTIS M. SCAPARROTTI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. PHILLIP M. CHURN, SR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DANIEL J. DIRE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RONALD E. DZIEDZICKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN D. JOHNSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JOSEPH A. BRENDLER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. DANA M. CAPOZZELLA
COL. STEPHEN L. DANNER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. MARIA L. BRITT

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. WILLIAM L. FREEMAN, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK J. GRASS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTIONS 5043 AND 601:

To be general

GEN. JAMES F. AMOS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 5044 AND 601:

To be general

LT. GEN. JOSEPH F. DUNFORD, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS D. WALDHAUSER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT B. NELLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD T. TRYON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. TERRY G. ROBLING

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. CHARLES D. HARR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) JOHN M. RICHARDSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. CECIL E. HANEY

CENTRAL INTELLIGENCE

DAVID B. BUCKLEY, OF VIRGINIA, TO BE INSPECTOR GENERAL, CENTRAL INTELLIGENCE AGENCY.

THE JUDICIARY

MARIA ELIZABETH RAFFINAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT L. GAUER AND ENDING WITH RAJENDRA C. YANDE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH ARLENE D. ADAMS AND ENDING WITH AMY S. WOOSLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH MARIANNE E. ALANIZ AND ENDING WITH MARK L. WIMLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

AIR FORCE NOMINATION OF ERNEST J. PROCHAZKA, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH DANIEL P. GILLIGAN AND ENDING WITH NGHIA H. NGUYEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

IN THE ARMY

ARMY NOMINATION OF ROBERT H. KEWLEY, JR., TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF WILEY C. THOMPSON, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF RAYMOND C. NELSON, TO BE COLONEL.

ARMY NOMINATION OF BERNARD B. BANKS, TO BE COLONEL.

ARMY NOMINATION OF DAVID A. WALLACE, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MELISSA R. COVOLESKY AND ENDING WITH JOHN H. STEPHENSON II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATION OF JONATHAN J. MCCOLUMN, TO BE COLONEL.

ARMY NOMINATION OF DANIEL E. BANKS, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF LATANYA A. POPE, TO BE MAJOR.

ARMY NOMINATION OF NED W. ROBERTS, JR., TO BE MAJOR.

ARMY NOMINATION OF JOHN W. PAUL, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ERIC S. ALFORD AND ENDING WITH MICHAEL K. HANIFAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH GEORGE W. MELELEU AND ENDING WITH AARON L. POLSTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH DEAN P. SUANICO AND ENDING WITH ELIZABETH R. OATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH BRIAN F. LANE AND ENDING WITH KIMBERLY D. KUMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH DUSTIN C. FRAZIER AND ENDING WITH COURTNEY T. TRIPP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH DONALD P. BANDY AND ENDING WITH KEITH J. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH STANLEY GREEN AND ENDING WITH JON B . TIPTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH PATRICK L. MALLETT AND ENDING WITH SCOTT H. SINKULAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

ARMY NOMINATIONS BEGINNING WITH LANNY J. ACOSTA, JR. AND ENDING WITH PATRICK L. VERGONA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

ARMY NOMINATION OF POLLY R. GRAHAM, TO BE COLONEL.

ARMY NOMINATION OF DWAINE K. WARREN, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH JAMES K. BARNETT AND ENDING WITH EDWARD D. NORTHROP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2010.

ARMY NOMINATION OF THOMAS E. KOERTGE, TO BE COLONEL.

ARMY NOMINATION OF EDWARD B. MARTIN, TO BE MAJOR.

ARMY NOMINATION OF TIMOTHY S. ALLISON—AIPA, TO BE MAJOR.

ARMY NOMINATION OF VICKIE M. JESTER, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH BERNARD H. HOFMANN AND ENDING WITH GREGORY SEAN F. MCDOUGAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH CHARLES L. CLARK AND ENDING WITH OKSANA BOYECHKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH ALLEN L. FEIN AND ENDING WITH ROSTYLAV R. SZWAJKUN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH ROBERT KIRK AND ENDING WITH TIMOTHY M. SNAVELY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH PAULA OLIVER AND ENDING WITH MICHAEL A. KELLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH AMANDA J. CONLEY AND ENDING WITH THOMAS F. SPENCER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH JEFFREY D. ALLEN AND ENDING WITH TIMOTHY REYNOLDS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH DIXIE J. BURNER AND ENDING WITH ELIZABETH A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH MICHELL L. AUCK AND ENDING WITH D010491, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH LANEICE L. ABDELSHAKUR AND ENDING WITH SASHI A. ZICKEFOOSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH JOSEPH H. AFANADOR AND ENDING WITH D010299, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATION OF DAVID C. DECKER, TO BE MAJOR.

ARMY NOMINATION OF ELIZABETH S. MASON, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH YVONNE J. FLEISCHMAN AND ENDING WITH WENDY M. ROSS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH MARILYN S. CHIAFULLO AND ENDING WITH HOWARD D. REITZ, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATION OF CONNIE C. DYER, TO BE COLONEL.

ARMY NOMINATION OF JONATHAN J. BEITLER, TO BE COLONEL.

ARMY NOMINATION OF DAVID K. POWELL, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH JOHN J. FERENCE AND ENDING WITH DAVID M. SCHLAACK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH JULIE A. BLIKE AND ENDING WITH AVA J. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH WILLIAM B. BRITT AND ENDING WITH LYNN A. WISE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH JAMES T. BARBER, JR. AND ENDING WITH JOSEPH C. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH SANDRA L. ALVEY AND ENDING WITH AARON TUCKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH JAN E. ALDYKIEWICZ AND ENDING WITH LOUIS P. YOB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH REBECCA L. ALLEN AND ENDING WITH TONI Y. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH GEORGE A. BERNDT III AND ENDING WITH DOUGLAS W. YODER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH ALAN D. ABRAMS AND ENDING WITH MARK D. SCHULTHESS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH PAMELA Y. DELANCY AND ENDING WITH KAREN L. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH ERICK J. ALVERIO AND ENDING WITH CYNTHIA E. PIERCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH BESS J. PIERCE AND ENDING WITH TY J. VANNIEUWENHOVEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH STEVEN M. GRODDY AND ENDING WITH HEIDI M. WIEGAND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH HOWARD A. ALLEN III AND ENDING WITH SUZANNE P. VARESLUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH TYLER C. CRANER AND ENDING WITH BRENNAN V. WALLACE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH STEPHEN J. BETHONEY AND ENDING WITH KIRK A. YAUKEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH LAWRENCE E. WIDMAN AND ENDING WITH JAMES I. JOUBERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH PAMELA K. KING AND ENDING WITH MARILYN TORRES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH MARIA E. BOVILL AND ENDING WITH JOANNA J. REAGAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH MARK E. BEICKE AND ENDING WITH JAMES D. TOOMBS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH TODD O. JOHNSON AND ENDING WITH TAMI ZALEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH MARK R. BENNE AND ENDING WITH JAMES WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH CELETHIA M. ABNERWISE AND ENDING WITH LISA A. TOVEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH PAUL D. ANDERSON AND ENDING WITH ALEX P. ZOTOMAYOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH WILLIAM P. ADELMAN AND ENDING WITH DAVID C. ZENGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

IN THE NAVY

NAVY NOMINATION OF TIMOTHY J. RINGO, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH WILLIAM A. BROWN, JR. AND ENDING WITH PAUL J. WISNIEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

NAVY NOMINATIONS BEGINNING WITH JAIME E. RODRIGUEZ AND ENDING WITH VINCENT M. PERONTI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

NAVY NOMINATION OF ROBERT C. MOORE, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH STEVEN D. SENEY AND ENDING WITH NICHOLAS A. SINNOKRAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH ABBY L. ODONNELL AND ENDING WITH STELLA J. WEISS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH PATRICK P. DAVIS AND ENDING WITH JERRY Y. TZENG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH ROBERT E. ATKINSON AND ENDING WITH GIANCARLO WAGHELSTEIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH ANTHONY H. BEASTER AND ENDING WITH JONATHAN C. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH CHARLES M. ABELL AND ENDING WITH CATHERINE F. WALLACE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH RANDY J. BERTI AND ENDING WITH ROBERT H. VOHRER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH KATIE M. ABDALLAH AND ENDING WITH NATHAN J. WINTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH JEREMY S. BIEDIGER AND ENDING WITH SCOTT E. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH ADRIAN E. ARVIZO AND ENDING WITH LISA L. ZUMBRUNN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH PHILIP T. ALCORN AND ENDING WITH SCOTT D. ZIEGENHORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH ARMAND P. ABAD AND ENDING WITH MATTHEW A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH BENJAMIN P. ABBOTT AND ENDING WITH DANIEL W. ZUCKSCHWERDT,

WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATION OF TINA F. EDWARDS, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JOXEL GARCIA AND ENDING WITH LARRY E. MENESTRINA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2010.

NAVY NOMINATIONS BEGINNING WITH BRIAN D. ONEIL AND ENDING WITH JOSE R. PEREZTORRES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2010.

NAVY NOMINATION OF ERIK RANGEL, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF VICTOR JOHN CATULLO, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH WILLIAM A. MIX AND ENDING WITH JOHN H. STEELY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

NAVY NOMINATIONS BEGINNING WITH RONALD K. BACH AND ENDING WITH ANNA A. ROSS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

NAVY NOMINATION OF BRIAN O. WALDEN, TO BE CAPTAIN.

NAVY NOMINATION OF JEFFRY P. SIMKO, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF PATRICK A. GARVEY, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH SHERWIN Y. CHO AND ENDING WITH JEFFREY G. SOTACK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

NAVY NOMINATION OF DOMINIC V. GONZALES, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF MICHAEL H. HOOPER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF VIRGILIO S. CRESCINI, TO BE LIEUTENANT COMMANDER .

NAVY NOMINATIONS BEGINNING WITH ALDRIN J. A. CORDOVA AND ENDING WITH JERALD L. ROOKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH JOHN W. BAISE AND ENDING WITH NING L. YUAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH RAYNARD ALLEN AND ENDING WITH ROBERT B. WILLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH JOSE G. ACOSTA, JR. AND ENDING WITH SCOTT A. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH KONIKI L. AIKEN AND ENDING WITH JAMES S. ZMIJSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH DOMINIC J. ANTENUCCI AND ENDING WITH DELICIA G. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH BRENT N. ADAMS AND ENDING WITH EMILY L. ZYWICKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH TERESITA ALSTON AND ENDING WITH ERIN K. ZIZAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH KENRIC T. ABAN AND ENDING WITH FRANKLIN R. ZUEHL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF AGRICULTURE

KEVIN W. CONCANNON, OF MAINE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

KATHLEEN A. MERRIGAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

JAMES W. MILLER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

DALLAS P. TONSAGER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

DEPARTMENT OF STATE

ROBERT P. MIKULAK, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS.

KRISTIE ANNE KENNEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

JO ELLEN POWELL, OF MARYLAND, 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 ISLAMIC REPUBLIC OF MAURITANIA.

MARK M. BOULWARE, OF TEXAS, 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 CHAD.

CHRISTOPHER J. MCMULLEN, 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 THE REPUBLIC OF ANGOLA.

WANDA L. NESBITT, OF PENNSYLVANIA, 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 NAMIBIA.

KAREN BREVARD STEWART, OF FLORIDA, 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 LAO PEOPLE'S DEMOCRATIC REPUBLIC.

CAMERON MUNTER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

PAMELA ANN WHITE, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

NANCY E. LINDBORG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DONALD KENNETH STEINBERG, OF CALIFORNIA, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF JUSTICE

MICHAEL C. ORMSBY, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS.

MARK F. GREEN, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

PAUL CHARLES THIELEN, OF SOUTH DAKOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 29, 2010 withdrawing from further Senate consideration the following nomination:

TERESA TAKAI, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JOHN G. GRIMES, WHICH WAS SENT TO THE SENATE ON APRIL 12, 2010.

N O T I C E

Incomplete record of Senate proceedings.

Today's Senate proceedings will be continued in the next issue of the Record.

EXTENSIONS OF REMARKS

IN HONOR OF WILLIAM COBLENTZ

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. PELOSI. Madam Speaker, I rise today to pay tribute to William Coblentz, a legendary San Franciscan, a great American and citizen of the world who passed away on September 13th. Bill's leadership on many of our most important physical and cultural landmarks profoundly shaped the city's landscape and character, and his impassioned defense of human rights and intellectual freedom helped to define our ideological heritage. He was a visionary whose work helped make San Francisco the international city it is today.

A native of San Francisco, Bill was born in 1922 and attended Lowell High School and the University of California, Berkeley. After studying law at Yale, he returned to join a small real estate practice in San Francisco. He would remain at this firm for more than 55 years—guiding it to become one of the biggest and most influential in the city.

As a partner at the firm, now known as Coblentz, Patch, Duffy & Bass, Bill helped shape many of San Francisco's most significant post-war building projects, such as Yerba Buena Gardens, AT&T Park, the Fillmore Auditorium, Levi Plaza, and Mission Bay. He was a highly respected attorney and influential political leader, both as special counsel to California Governor Pat Brown and to San Francisco Mayor Joseph Alioto.

Beyond his professional accomplishments, Bill inspired others with his profoundly compassionate soul. Bill loved people, and those of us who were fortunate enough to know him will always remember the warmth and ease of his friendship. He believed in the value of every individual, and generously gave his time and energy to those from all walks of life. An example of this can be seen during his service on the Airport Commission, when he would volunteer as a janitor for the day on Christmas so that a custodian could spend that time with his family.

His courage and vision were perhaps most evident in his leadership on the University of California Board of Regents, where he served as a member from 1964 to 1978 and as chairman from 1978 until 1980. As a Regent on a conservative board, he pressed the university to fight apartheid in South Africa and to uphold the right of controversial thinkers Angela Davis and Eldridge Cleaver to teach in the University of California system.

Bill's combination of legal expertise and warm egalitarianism drew some colorful, high profile clients. In the sixties, he worked with Bill Graham on the Fillmore Auditorium, and soon found himself connected to the vibrant San Francisco rock scene. He gave personal and professional legal advice to groups as the Jefferson Airplane, Santana, and the Grateful Dead, and in doing so was an unlikely contributor to one of the major cultural movements in San Francisco's history.

San Francisco has lost a beloved son. I hope it is a comfort to his wife Jean, his sister Lolita Erlanger, his children Wendy and Andy, and his four grandchildren that countless San Franciscans join them in mourning Bill's passing.

SMALL BUSINESS JOBS ACT OF 2010

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. RICHARDSON. Madam Speaker, I rise today in support of H.R. 5297, the ''Small Business Lending Fund Act of 2010,'' which will generate small business growth and job creation by providing tax relief, enhancing loan accessibility, and cutting inefficient bureaucratic red tape. H.R. 5297 will create 500,000 jobs without adding a dollar to the deficit and is one of the most crucial steps in our recovery.

I thank Chairman FRANK for his leadership in shepherding this bill to the floor and for his tireless commitment to reenergizing our economy by providing relief for struggling small businesses.

Madam Speaker, small businesses are the engine of the American economy. They created two-thirds of all new jobs over the last 15 years and currently account for half of all private sector employees, 44 percent of total U.S. payroll, and 97 percent of our Nation's exports. The 16,300 small businesses in my district are vital to our local economy. Ensuring that they have the credit they need to grow is one of my top priorities.

Many small businesses in my district are ready to make investments, hire new workers, and help grow our economy out of this recession. But because of tight lending standards and a lack of credit, they are being prevented from growing to their full potential and making the investments that our economy needs. Since the financial crisis began in 2008, the number of small business loans is down nearly 5 million.

This bill takes unprecedented steps to cut taxes and provide credit for small businesses. It gives small businesses $12 billion in tax cuts by: (1) extending bonus depreciation, (2) allowing for 100 percent exclusion of capital gains on investments in small business, and (3) doubling the deduction for startup expenditures.

The bill also creates a $30 billion Small Business Lending Fund to provide community banks with capital to increase small business lending. The fund is limited to the smallest banks (those holding $10 billion or less in assets) with key performance-based standards to incentivize those lenders to extend new credit to small businesses.

Madam Speaker, the bold actions taken by Congress and the Administration thus far have stopped the downward spiral caused by years of economic mismanagement. They prevented the Bush recession from becoming a second Great Depression. H.R. 5297 will generate the job creation and economic growth that will mark the next phase of our recovery. I urge my colleagues to join me in supporting H.R. 5297, loosening the credit squeeze, and freeing thousands of small businesses to put us back on the road to prosperity.

RECOGNIZING THE METTAWEE COMMUNITY SCHOOL PENNIES FOR PEACE PROGRAM

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. WELCH. Madam Speaker, I rise today to recognize an extraordinary group of students at the Mettawee Community School in West Pawlet, Vermont.

I would like to commend the Mettawee Community School for its effort, inspired by Greg Mortensen's Three Cups of Tea, to collect pennies to help build schools for children halfway around the world. The pennies collected by students at Mettawee were donated to Mortensen's ''Pennies for Peace'' charity, which helps support education for children in rural Pakistan and Afghanistan. I am immensely proud of the students and teachers of Pawlet and Rupert for organizing this project.

Through a selfless commitment to supporting opportunities for children whom they have never met, Mettawee's students learned about the importance of giving to others, the invaluable nature of education, and the consequences of conflict. They learned that not all the world's children have the chance to attend school, and of the need to fight extremism and intolerance with education and opportunity.

The initiative was spearheaded by Mettawee Community School third graders Sydney Badger, Trinity Delano and Isabelle Desroches, with the help of teacher Nancy Bryant. Together they organized a collection of 47,700 Pennies for Peace. The pennies will go to children in Pakistan and Afghanistan, and these funds have the potential to change lives by providing access to learning opportunities and by ending isolation and cycles of ignorance.

I would like to thank the students of Mettawee Community School for their hard work and dedication to the cause of bringing education to boys and girls in Pakistan and Afghanistan through Pennies for Peace.

COMMEMORATING THE 99TH NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to recognize the National Day of the Republic of China also known as Taiwan's National Day. October 10, 2010 marks the 99th anniversary of the establishment of the Republic of China and commemorates the 1911 Wuch'ang uprising ultimately leading to the collapse of the Qing dynasty. This day is also known as the ''Double Ten'' Day where 23 million people in the Republic of China along with Taiwanese from across the world celebrate their new-found democracy.

In recent months Taiwan has experienced a number of achievements, including the signing of an Economic Cooperation Framework Agreement with mainland China and participating as an observer in the World Health Organization's annual meetings in Geneva. Currently, Taiwan is requesting that the International Civil Aviation Organization (ICAO) consider accepting Taiwan as an observer in the organization as Taiwan is a major international hub connecting Northeast Asia, Southeast Asia, and North America. Each year, over 1.54 million flights pass through the Taipei Flight Information Region (FIR) and it would be beneficial for ICAO. The safety and security of each passenger is of paramount importance to everyone concerned. Yet Taiwan is excluded from the activities of the International Civil Aviation Organization (ICAO) to consider opportunities where Taiwan can participate in the Multilateral ''public key directory'' (PKD) consultations.

As a fellow democratic ally of the United States, we must further support and encourage Taiwan's growing global participation. Again, I wish the people of Taiwan everywhere a blessed day of celebration and reflection.

HONORING THE GREATER HAZLETON AREA POLONAISE SOCIETY'S CELEBRATION OF POLISH AMERICAN HERITAGE MONTH AND THE REVEREND LOUIS S. GARBACIK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Greater Hazleton Area Polonaise Society and its annual celebration of Polish American Heritage Month.

The Society will mark this year's Polish American Heritage Month with its 33rd annual Polish American Heritage Ball on October 17, 2010 in Hazleton, Pennsylvania.

The Greater Hazleton Area Polonaise Society's mission is to preserve the culture and customs brought to Northeastern Pennsylvania by their ancestors over a century ago.

Over the past 33 years, each October the Society has celebrated the history of their ancestors who traveled to the United States, and the lasting impacts they made throughout Northeastern Pennsylvania and its mining industry during the late 19th and early 20th centuries.

This year's event will also honor the late Reverend Louis S. Garbacik, who served as Chaplain of the Greater Hazleton Polonaise Society for over 23 years. He passed away on January 1, 2010.

Reverend Garbacik was born in West Hazleton in 1928.

He graduated from Hazle Township High School in 1946 before attending St. Mary's College in Michigan.

Following graduation from St. Mary's College in 1950, Reverend Garbacik enrolled at SS. Cyril and Methodius Seminary in Michigan. He was officially ordained to the priesthood at St. Gabriel's Church in Hazleton in 1954.

Over the past 50 years, Reverend Garbacik led congregations throughout Northeastern Pennsylvania.

He first was assigned to Gate of Heaven Church in Dallas before being assigned to Maternity of the Blessed Virgin Mary in Wilkes-Barre.

In 1977, Reverend Garbacik was named pastor of Holy Child Parish in Nanticoke, Pennsylvania, and in 1983 he also became administrator of Ascension Church in Mocanaqua, Pennsylvania.

From 1986 through his retirement in 2006, Reverend Garbacik was pastor of St. Stanislaus Roman Catholic Church in Hazleton. In 2006 he was appointed pastor emeritus.

Madam Speaker, please join me in honoring the Greater Hazleton Area Polonaise Society and its celebration of Polish American Heritage Month. For over 30 years, the Society has worked to preserve and promote the rich Polish American history in Northeastern Pennsylvania, and this year they will pay special tribute to one of the Society's most dedicated leaders.

HONORING THE LIFE OF COMMAND SERGEANT MAJOR WAYNE A. FAUSZ

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. DAVIS of Kentucky. Madam Speaker, today I pay tribute to Command Sergeant Major Wayne A. Fausz, of Florence, Kentucky, who lost his life on August 10, 2010, in an automobile accident in North Carolina.

He was the Command Sergeant Major of the 1st Attack Reconnaissance Battalion, 82nd Combat Aviation Brigade, 82nd Airborne Division.

Command Sergeant Major Fausz is survived by his mother, Darlene Hinkle of Union, Kentucky and his father, David Fausz, Sr., of Independence, Kentucky.

In addition to being an outstanding father to his two children, Nathaniel and Autumn, he was a dedicated husband to his wife, Natasha.

Command Sergeant Major Fausz was deployed twice to Iraq and once to Saudi Arabia. His military awards and decorations include the Legion of Merit and Bronze Star Medal.

Today, as we celebrate the life and accomplishments of this exceptional Kentuckian, my thoughts and prayers are with Command Sergeant Major Wayne A. Fausz's family and friends.

We are all deeply indebted to Command Sergeant Major Wayne A. Fausz for his service and his sacrifice.

HONORING DR. DENNIS E. MURRAY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. SHUSTER. Madam Speaker, today I rise to recognize the work of Dr. Dennis E. Murray and the positive impact he's had on education as Superintendent of the Altoona Area School District in Altoona, Pennsylvania for the last 25 years.

At a time in our country when many public school systems have been under attack for not making the grade, Altoona has experienced steady growth and achieved tremendous accomplishments under Dr. Murray's effective leadership.

Recently, U.S News and World Report named Altoona Area High School as one of America's best high schools.

Dr. Murray is an innovator who has challenged his district to be on the cutting edge of technology and educational programs. He is also a pragmatist who's helped modernize its buildings and facilities efficiently for the district's taxpayers.

Most important, Dr. Murray has never forgotten his roots in education that began 47 years ago as a classroom teacher. His emphasis on hiring excellent teachers and providing students with the necessary tools for a solid education means that Altoona's graduates are among the best prepared for the future in our great Nation.

Dr. Murray will be honored on October 6, 2010 by the Altoona Kiwanis Club as its Distinguished Citizen of the Year. I congratulate him on this recognition and I ask to place his long list of accomplishments into the CONGRESSIONAL RECORD. I would like to thank him for his continued stellar service to the local Altoona area community.

DR. MURRAY'S LIST OF ACCOMPLISHMENTS FOR THE RECORD:

Dr. Murray received a B.S. in education from Slippery Rock University in 1963 and an M. Ed. in educational administration from Duquesne University in 1965. He earned his Doctor of Education degree in elementary education and educational psychology from Penn State in 1973.

He has been honored with many prestigious awards including the Educational Leadership Award from Phi Delta Kappa; the Distinguished Educator Award from the Tri-State Study Council of the University of Pittsburgh; the Excellence in Education Award from the Penn State University College of Education; the Exemplary and Innovative Educational Leadership and Management Award from the Pennsylvania Department of Education; the Excellence in Administration Award from the Pennsylvania School Study Council; the Blair Bedford Central Labor Council AFL–CIO Person of the Year Award; and an honorary doctorate from St. Francis University in 2008.

In addition to his service to the Altoona Area School District, Dr. Murray is a member of the Board of Trustees at Slippery Rock University. He has served on numerous community boards and committees and teaches graduate level courses for St. Francis University and Penn State.

Management of the budget for the past 25 years with only four minimal tax increases over that time period. The 2010–2011 AASD budget is $89.3 million.

Completion of numerous capital projects including new school construction/renovation at Baker, Ebner, Juniata Gap, Penn-Lincoln, Irving, Pleasant Valley and Logan elementary schools as well as the $48.5 million Altoona Area Junior High School which opened in 2008.

Creation of the Bertram Leopold Recreation Center (five tennis courts, two volleyball courts and two basketball courts) on the campus of Altoona Area High School in 1988.

Successful negotiation of numerous contracts with teachers in the Pennsylvania State Education Association, non-instructional employees in the AFSCME Union, and teacher assistants who belong to the Educational Support Personnel organization. These agreements included health/hospitalization agreements.

Negotiation of payments to the school district in lieu of taxes from area hospitals.

Outsourced management of the school district's food service program as well as student bus and van transportation.

Improved computerization of the school district Tax Office.

Established countless school/community partnerships which have stimulated economic development in Blair County.

Implemented a school-based management/total quality education program known as Q-SITE (Quality Schools Involving Teams for Excellence). As part of this initiative, the school received ISO–9001 certification in January, 2002.

Creation of the Altoona Area School District Foundation—a non-profit organization that has attracted $2.9 million in private contributions since 1989. More than $725,000 has been allocated for a very successful Teacher Grants program.

A $507,000 donor-designated gift to the AASD Foundation by the Sheetz family led to the creation of the new Sheetz Athletic Training Center at Mansion Park. Last year, Bob Sill, an AHS graduate, donated $125,000 for team rooms and coaches' offices at Mansion Park.

Creation of the national 4,200-member Altoona Area High School Alumni Association.

Establishment of partnerships with colleges and universities that have helped to make Altoona a teaching/research-based school district.

Creation of the Center for Advanced Technologies in 1994, believed to be the first of its kind in a public school district in the United States thanks to a partnership with the Cornell University Synthesis Coalition.

Creation of the Central Pennsylvania Digital Learning Foundation, a cyber charter school begun during the 2002–2003 school year in cooperation with 32 Central Pennsylvania school districts.

Creation of an After-School Arts Program and an Elementary Stage Band.

Establishment of a rigorous secondary curriculum which features 18 Advanced Placement courses. The College Board has recognized this AP program.

Creation of a digital multi-media lab at AAHS to enhance foreign language instruction. A digital Mt. Lion Television studio enables students to learn broadcasting skills. Another new digital lab is used to teach multimedia skills and music theory and harmony.

Installation of an artificial surface and an all-weather track at Mansion Park Stadium and an artificial turf on the Altoona Area High School intramural field. In 2008, a new Trophy Turf surface was installed at Mansion Park. Construction of a third turf field, Roosevelt Field, at the site of the former Roosevelt Junior High School, also has a Trophy Turf playing surface.

Offering elementary students a school of choice at the McAuliffe Heights Program at Irving School, which was named a National Blue Ribbon School in 2007 as well as an Apple Computer Distinguished School in 2010.

U.S. News and World Report named Altoona Area High School as one of America's best high schools in 2010.

Becoming the first Pennsylvania school district to put strobe lights on school buses.

Establishment of the William P. Kimmel Alternative School for at-risk secondary students.

Creation of a partnership with Atlantic Broadband which has enabled the school district to deliver public access/educational access television to Blair County residents.

Helped create the Central Blair Recreation Commission of which the school district is a member.

Establishment of a School Police Department will full police powers. This department oversees an extensive network of security cameras throughout the school district. Security greeters are also assigned at all three secondary schools.

Established a technology coordinator position along with a Technology Department.

Instituted drug testing for all new AASD employees and for secondary interscholastic athletes.

Created an employee wellness center.

Helped AASD become one of Pennsylvania's first school districts to implement full-day kindergartens at all schools. This year, Altoona has 31 full-day kindergartens.

HONORING THE AMERICAN SOCIETY FOR TRAINING AND DEVELOPMENT (ASTD)

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise today to acknowledge the American Society for Training and Development (ASTD) as one of the largest associations dedicated to the training and development of professionals, recognizing them for their annual Employee Learning Week, held December 6 through the 10, 2010.

Established in 1943, ASTD has been a leader in the training and development field. In recent years, ASTD has widened the profession's focus, aligning learning with an individuals' performance and their organizations' results. In 1945, ASTD held their first annual conference and continues to be a leading voice in the field of workplace development 65 years later.

Members of ASTD come from more than 100 countries and connect locally in 130 U.S. chapters with 30 international partners. They work in thousands of organizations of all sizes, in government, as independent consultants, and as suppliers.

ASTD continues to help its members and the learning profession build a highly skilled workforce that is critical for organizations to grow and sustain a competitive advantage. To further these goals, ASTD has declared December 6 though December 10, 2010 as ''Employee Learning Week'' and designated time for organizations to recognize the strategic value of employee learning.

I applaud ASTD and its members for their dedication to developing the knowledge and skills of employees during Employee Learning Week. I urge my colleagues to join me in supporting policies that commit to maintaining a highly skilled workforce.

THE LEAVING ETHANOL AT EXISTING LEVELS (LEVEL) ACT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BURGESS. Madam Speaker, I rise to introduce legislation to place a pause on the Environmental Protection Agency's (EPA) irresponsible actions in moving forward toward approving a waiver for an increase in ethanol in fuel.

Currently, gasoline contains a 10 percent blend wall of ethanol, known as E–10. The EPA is considering increasing the allowable amount of ethanol in gasoline to 15 percent, or E–15. This, despite the EPA not performing any of its own studies on the matter, and relying entirely on outside studies. I questioned Assistant Administrator Gina McCarthy regarding the EPA's decision to move forward with a waiver for E–15, and was wholly dissatisfied with her responses as to the research EPA has done itself on the safety of increasing to this level of ethanol. She deferred entirely to outside groups and to the Department of Energy's research. Does EPA not employ its own scientists and experts? Is EPA's position that it is incapable of doing its own research? We saw that EPA was inept at performing its own ''climate science'' research, I suppose we could expect no different with the safety of ethanol levels.

But this is serious business. If EPA appoves this waiver, car engines, lawn mowers, tractors—any engine that uses gasoline, could be potentially at risk for catching fire or having mechanical failure. Moreover, businesses tasked with selling this new gasoline with increased ethanol could face potential lawsuits from consumers who fail to follow posted signs warning them that E–15 should only be used in newer engines. Does anyone truly believe that mis-fillings and misunderstandings of the sign won't lead to disastrous results? The fact that EPA is even considering this change proves they simply don't care.

I'm not necessarily opposed to increasing the level of ethanol in fuel—if it's done responsibly, and with sound science to back it up. I

don't believe EPA has done its due diligence, and certainly nothing EPA has provided to the Energy & Commerce Committee would disprove my fears. This bill will allow for a pause—before EPA hastily approves any further ethanol in fuel—for more studies to be conducted and more assurances to be made that an increase in the blend wall for ethanol will be safe. The security of the public's well-being should be paramount in this case.

RECOGNIZING THE CAREER OF MR. SAM WOLF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the distinguished career and significant regional contributions of Mr. Sam Wolf.

Sam Wolf, a resident of Granite City, Illinois, served 18 years in the Illinois House of Representatives from 1974 until he retired in 1992. Among his more notable accomplishments during his time in the General Assembly was legislation establishing community college voting sub-districts. This was important to ensure equitable representation of the different geographic areas covered by a community college district.

Sam Wolf has been a strong proponent of Southwestern Illinois College and was a driving force in the establishment of the college's Granite City Campus in 1984. Sam worked to secure funding for the Industrial Technology Center at the Granite City Campus and the development of the Automotive Collision Repair Technology program there. Sam has been a member of the Southwestern Illinois College Board of Trustees since October 1995.

In recognition of Sam's tireless efforts to expand and improve Southwestern Illinois College, the Granite City Campus is named the Sam Wolf Granite City Campus. This is a fitting tribute for a man who has done so much to provide quality educational opportunities for current and future generations.

Madam Speaker, I ask my colleagues to join me in an expression of appreciation to Mr. Sam Wolf for his many contributions to the Southwestern Illinois region and to wish him the very best in the future.

CONGRATULATING WALTER PAYTON COLLEGE PREP OF CHICAGO ON RECEIVING THE INTEL SCHOOL OF DISTINCTION TOP AWARD FOR INNOVATION IN MATH AND SCIENCE

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. DAVIS of Illinois. Madam Speaker, today I wish to congratulate Walter Payton College Prep from Chicago on its success wtihin the Intel Schools of Distinction competition. Walter Payton prevailed over 149 other schools to win both the School of Distinction for Mathematics Excellence as well as the overall competition grand prize, the Star Innovator Award. Together, these two awards convey over $175,000 in monetary grants as well as materials—including hardware and software, professional development materials, and curriculum resources. I celebrate the hard work of the students and faculty of the school and applaud their success.

Walter Payton College Prep High School is a magnet school whose curriculum emphasizes mathematics, science and world languages. The Intel award highlighted Walter Payton's mathematics program. Impressively, over a quarter of the students at Walter Payton take five or more math courses before graduation. In addition to this rigorous set of core classes, many of the students at Walter Payton fill their electives with advanced placement statistics and/or university-level math courses. Over 99 percent of the student population scores as ''Meeting or Exceeding'' state math standards on the Prairie State Achievement Examination. Walter Payton also has an impressive 98 percent graduation rate and an outstanding record of students who both qualify for advanced placement courses and pass advanced placement tests.

Through its focus on math and science, Walter Payton College Prep is helping America become more competitive globally. Multiple reports and experts have sounded the alarm that our nation must quickly accelerate and enhance its training of students in the areas of science, technology, engineering, and math in order to meet the growing demand for U.S. workers with these skills and to improve our ability to compete in a global economy. Further, these experts agree that we need to broaden the participation of individuals who are underrepresented in these fields, such as racial/ethnic minorities and women. According to the Census Bureau, 39 percent of the population under the age of 18 is a racial or ethnic minority. However, in 2003, only 4.4 percent of U.S. science and engineering jobs were held by African Americans and only 3.4 percent by Hispanics. In 2008, the American Community Survey reported that 10.3% of the total U.S. population were in the professional, scientific, management and administrative services industry; however only 7.7% of Cambodians, 6.8% of Hmongs, and 5.2% of Laotians actually held these types of jobs. Given that over half of the students attending Walter Payton represent racial/ethnic minorities, the school is helping decrease this gap in science and math fields. State, local and federal officials must do more to offer the high-caliber programming offered at Walter Payton to all students so that we can strengthen our citizens and our nation.

As we start the 2010–2011 school year, I am pleased to congratulate Walter Payton College Prep in the Seventh Congressional District of Illinois for its achievements and commitment to the mathematics and science fields. Well done!

TRAINING AND RESEARCH FOR AUTISM IMPROVEMENTS NATIONWIDE ACT OF 2010

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 5756, the ''Training and Research for Autism Improvements Nationwide (TRAIN) Act of 2010,'' which will provide grants and technical assistance to create innovative approaches to providing services to children and adults with autism, and their families. This legislation will help secure the resources necessary to provide the best possible care for the people and families affected by Autism Spectrum Disorders.

I thank Congressman DOYLE, the sponsor of this legislation, for his leadership on this issue and his commitment to raising awareness about the growing number of people diagnosed with Autism Spectrum Disorders.

Mr. Speaker, there is a lack of trained professionals capable of providing desperately needed services and support to children and adults with Autism Spectrum Disorders. H.R. 5756 will expand the number of training facilities for service providers by awarding grants to University Centers for Excellence in Developmental Disabilities Education, Research, and Service. Training individuals to provide services to people with autism is critical to addressing the growing demand for care.

In addition, these grants will help fund autism research. Research into the causes of Autism Spectrum Disorders across multiple disciplines is a critical part of improving our understanding and treatment of these disorders. For example, research continues to indicate that environmental factors, such as air pollutants, the presence of hazardous chemicals in the home, and poor nutrition, can contribute to the risk of developing autism. I find these studies particularly significant, as my district contains several poor, low-income areas, where these kinds of environmental factors are disproportionately concentrated.

Finally, H.R. 5756 will also establish a nationwide structure to disseminate important research and the latest evidence-based findings related to Autism Spectrum Disorders. This will help doctors and families affected by autism stay up to date on the latest research on diagnosis and treatment of autism.

Mr. Speaker, the growing number of people in this country that are diagnosed with autism demands action on this issue. We must take action so that families no longer have to struggle to find care for loved ones with autism. This bill will take important steps to achieve health care equity for individuals with autism by finally making available the care that they deserve.

I urge my colleagues to join me in supporting H.R. 5756.

HONORING SPECIAL ACHIEVEMENTS OF THE WEST HILLS COLLEGE NORTH DISTRICT CENTER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the students, faculty, staff and administration at West Hills College, North District Center as they are recognized for being named as one of ''America's 50 Best Community Colleges'' in August 2010 by the Washington Monthly. Chancellor of West Hills Community College District Frank Gornick, President of West Hills College-Coalinga Willard Lewallen, Director of the North District

Center Marcel Hetu, and the Board of Trustees deserve special recognition for their leadership and commitment to education in our Valley.

The beginnings of this fine institution were set in motion during the Great Depression and it is to the credit of the greatest generation and their forward thinking that this college came to be. Established to provide much needed educational opportunities for our Valley's rural areas, West Hills College has been on the forefront of efforts to ensure the hardworking residents of the Central Valley have access to a quality education and the opportunity to improve their circumstances. The North District Center shares in the wonderful history of the local community, having been a restaurant, a bowling alley, and business offices prior to the service it provides today to students. The college district includes campuses in Lemoore and Coalinga, with numerous satellite operations in nearby towns enhancing educational access for our Westside communities.

West Hills College has shown great commitment to supporting student learning and providing educational, cultural, and economic development opportunities to students and the local and global communities that they serve. Academic and vocational programs, including administration of justice, agriculture, child development and nursing among many others, give local students the tools they need to succeed. West Hills College has truly become a premier interactive learner-centered community college and it is fitting that this institution is recognized today for its contribution to our Valley's educational, social, cultural and economic vitality.

I am proud to have West Hills Community College as part of my congressional district and furthermore proud to have an alumnus of the North District Center as a member of my staff. It was with great honor that I spoke at commencement ceremonies in May 2006, and it is again with that same honor that I rise today to celebrate West Hills College and their outstanding programs.

It goes without saying, ''Once you go here, you can go anywhere.'' As we celebrate one of America's best, let us applaud the dedication West Hills Community College has shown to the community throughout the years. Please accept my warmest congratulations on being rated the 34th Best Community College in America and the highest ranking community college in California and our deepest thanks for your contributions to our Valley.

HONORING DR. PRINCE JACKSON, JR.

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BARROW. Madam Speaker, I rise today to pay tribute to one of my constituents and one of my heroes, Dr. Prince Jackson, Jr., who died last Tuesday at the age of 85. There's an old proverb, ''He who refreshes others will himself be refreshed.'' Dr. Jackson proved it, because he spent his entire life refreshing others, and he certainly seemed to be refreshed all along the way.

A mathematician by profession, with a master's degree from New York University and a Ph.D. from Boston College, Dr. Jackson was trained to think logically. But it was a passion for justice and equal opportunity that led him to fight the system of legal and economic discrimination that once defined our part of the country. After having been fired from his position in the public schools for daring to advocate an end to segregation, Dr. Jackson went on to become president of his alma mater, Savannah State University, and served as the president of the Savannah Branch of the NAACP. Even in retirement, Dr. Jackson continued to mentor teens and worked to overcome the economic vestiges of discrimination and the violence that threaten so many of our youth.

Dr. Jackson leaves an indelible footprint on the academic and political landscape of Georgia. He was a good friend to me personally, but more importantly, he was a great man and a great leader.

IN RECOGNITION OF THE ADCARE HOSPITAL OF WORCESTER, INC. ON ITS 35TH ANNIVERSARY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. McGOVERN. Madam Speaker I rise today to congratulate and thank AdCare Hospital of Worcester, Inc. on this 35th Anniversary for its unwavering dedication to our community in its mission to help individuals and their families overcome the disease of addiction. Over the years AdCare Hospital has provided invaluable services to our community by responding to area demand for alcohol and drug abuse treatment. I am proud to have an institution in the Massachusetts Third Congressional District that has provided so many resources to the citizens of the district and beyond for so many years; your work is truly remarkable.

Conceived in 1975 as a 10-bed alcoholism unit in an acute care hospital setting, ADCARE grew into one of the most comprehensive provider's of alcohol and drug abuse services in the country. In 1984 Adcare converted the entire 114-bed medical/surgical facility to an addiction treatment hospital. ADCARE continued to expand beyond its inpatient roots, by opening Adcare Outpatient Services Worcester in 1986. Their mission of providing quality alcohol and drug abuse treatment in a safe environment and throughout the continuum of care expanded even further with the establishment of AdCare Outpatient Services in Boston in 1989, North Dartmouth in 1993, Warwick, Rhode Island in 2000, Quincy in 2003, and West Springfield in 2005. All are fully licensed clinics in convenient locations throughout Massachusetts and Rhode Island.

ADCARE is accredited by the Joint Commission on Accreditation of Health Care Organizations and Licensed by the Department of Public Health demonstrating strict compliance with national standards for patient safety and quality of care and is a member of the Northeast Node of the National Institute on Drug Abuse (NIDA) Clinical Trials Network, participating in research designed to improve clinical treatment outcomes. ADCARE continues to expand national access to treatment through 1–800–ALCOHOL, the nationwide Admission and Referral Line, founded and sponsored by ADCARE HOSPITAL.

Over the years AdCare Hospital employees have answered more than 3 million 1–800–ALCOHOL calls; admitted over 150,000 patients for a total of over 1 million days of patient care; and conducted in excess of 750,000 outpatient visits to individuals and families seeking services for substance abuse treatment. This was achieved thanks to a committed clinical, medical and administrative staff that all work together to treat a debilitating and chronic disease.

Madam Speaker, I am sure that the United States House of Representatives joins me in recognizing AdCare Hospital of Worcester for its important role in our community.

KAGAYAKI KOBE SOCIAL WELFARE ORGANIZATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. ENGEL. Madam Speaker, people helping their fellow men and women in their time of need is so prevalent amongst us that we can only believe it is an integral part of our makeup, that which gives us our humanity.

An organization in this mode is the Kagayaki Kobe Social Welfare Organization, in Kobe, Japan, who, with its volunteers and supporters, is dedicated to providing services to the physically and mentally handicapped, their families and to the community at large. Part of the aid includes job training, daily living skills, assisted living, training and support for family members, all ongoing features of this organization's selfless dedication to gaining acceptance, integration and fair treatment of the most vulnerable members of our society.

Kagayaki Kobe focuses on the individual needs of the disabled. It has promoted creativity and self expression through the staging of the popular ''Clown Angels'' performers, through art and calligraphy and in the production of crafts. The organization provides psychological and physical therapy, medical assistance and the forum for group activities to encourage openness and communication so that we all can better understand and provide assistance for others.

From November 20th through November 23rd the Kagayaki Kobe International Event will celebrate the people who strive endlessly to make possible the good work of this organization: Mrs. Polissa Choueke, International Liaison, Mrs. Miyoko Ikeyama, President, and Mrs. Natsuko Dama, Financial Director, and all of the volunteers and supporters who so are dedicated.

The Choueke Family, including Tony Choueke and Mrs. Polissa Choueke, also maintains a museum in Kobe as home to many artworks, antiques, interior decoration and a garden open to the public to benefit community events and charitable causes. The building, designed as an English mansion with a blend of Japanese and international influences, was acquired by the Choueke family in 1954 and for four generations, the Choueke family has been dedicated to its preservation and acquiring the artworks that adorn the interior.

As a senior member of the House Foreign Affairs Committee and its subcommittee on Asia, the Pacific, and the Global Environment I salute the efforts and cooperation between Kagayaki-Kobe and Mrs. Polissa Choueke in their dedication to the betterment of the mentally challenged, in furthering awareness and acceptance for the disabled, in providing both material and personal assistance to those in need, and working together to promote good will in nurturing the friendship between the people of Japan and those of the United States of America through service to others.

REPUBLIC OF CHINA'S NATIONAL DAY

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BARTON of Texas. Madam Speaker, I rise to recognize the Republic of China's National Day on October 10th. Today I join the Taiwanese people as they celebrate their freedom. Taiwan has peacefully transformed itself from an authoritarian regime to full-fledged democracy. It will hopefully constitute a model for the eventual establishment of a genuine democracy in China.

The United States and Taiwan value human rights, civil liberties, a free press and the rule of law. Our shared values have produced a strong and dependable friendship for over sixty years. Today, the people of Taiwan determine their own destiny and government through free and fair elections.

The Republic of China was one of the first to come to our aid after the events of September 11th attacks and Hurricane Katrina devastations. Taiwan continues to be our ally in the war against terrorism by providing humanitarian assistance in Iraq and Afghanistan.

In honoring the Republic of China, we need to continue to sell defensive weapons to Taiwan fulfilling our commitments under the Taiwan Relations Act. Despite the goodwill that has been gradually built up between Taiwan and China, the possibility of military confrontation continues to exist in the Taiwan Strait. A well-armed Taiwan is the best guarantee to perpetuate peace and stability in the region.

To ROC President Ma Ying-jeou I say "good luck." I remain hopeful that our relations will continue to be strengthened in 2011 and beyond. Certainly, the capable leadership of Ambassador Jason Yuan has helped to further our relations with the government and people of Taiwan.

HONORING GLOS POLEK

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the centennial of Glos Polek, the official publication of the Polish Women's Alliance of America, PWAA. Since its first issue was printed in 1910, Glos Polek has influenced the lives of hundreds of thousands of Polish women and their families in the United States and abroad.

Throughout hundreds of issues, the newspaper documented women's struggle and their plight to attain equal rights within society. The articles and photographs contained in Glos Polek's pages covered the scope of female injustice. They were undoubtedly instrumental in rallying women's voices to collectively demand their right to vote and make their own financial decisions. Glos Polek urged women to pursue higher education, enter into the professional world and, in the face of the global battle, tear down fascism and communism along Poland's path toward democracy and independence. To its core, Glos Polek told the stories of ordinary, everyday women facing the challenges of their time.

A traveling exhibition called "A Voice of Their Own" has been planned to mark Glos Polek's centennial. It is scheduled to open in Chicago in the fall of 2010 and travel to other U.S. cities in 2011 before continuing to Poland in 2012. The exhibit hopes to attract publicity for the newspaper's historic anniversary, generate interest in the PWAA, and increase membership.

Madam Speaker, I ask my colleagues to join me in recognizing one the most impactful, longest running and well-respected publications in women's history. Chicago's extensive Polish community has greatly contributed to the city's multicultural identity, and the city is proud to host Polish American organizations like the PWAA. Please join us in making Glos Polek's 100th birthday a successful and meaningful celebration.

HONORING MR. BILL KLING FOR HIS SERVICE TO AMERICA'S VETERANS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize Mr. William "Bill" Kling for his continued service to America's veterans. Mr. Kling's unwavering patriotism and continued dedication to America's heroes are to be highly commended.

Bill Kling served in the Navy during the Second World War. It was during his time in the Navy that Mr. Kling developed an unceasing devotion to his fellow servicemen. For over 35 years since, Mr. Kling has served his fellow veterans living in South Florida through community service and political activism.

Mr. Kling currently serves as the Chair of the Broward County Veterans Council (BCVC), a coalition of 57 organizations in Broward and Palm Beach Counties that operates under a common plan to protect and implement benefits for veterans.

Uniting behind its mission "To Serve and Unite our Veterans," the BCVC has achieved substantial benefits for our veterans under Mr. Kling's leadership. As an advocate for better health care for veterans, Mr. Kling led the drive to build the new state-of-the-art Broward County VA Outpatient Clinic in Sunrise, FL. In addition to a successful campaign for a veterans state nursing home located in Pembroke Pines—a crucial service for veterans living in South Florida—Mr. Kling and the BCVC were also instrumental in delivering a VA hospital to Palm Beach, Florida.

Mr. Kling's leadership has even had a national impact. Mr. Kling and the BCVC are responsible for the implementation of the handicapped parking signs that are now ubiquitous in shopping malls and public areas across America.

Bill Kling's most recent service to America's veterans has focused on national legislation and keeping the BCVC's member organizations informed so that they may act accordingly. Mr. Kling has been an outspoken critic of the military's "Don't Ask, Don't Tell" policy and a leading voice in the fight for its repeal. Additionally, Mr. Kling has been actively working to ensure that military families receive the same benefits as private citizens under America's recent landmark health care reform. Mr. Kling's leadership will help 700,000 young adults whose families are members of TRICARE, which covers military families, become eligible for health insurance coverage.

I have always valued Mr. Kling's insights and advice, and I proudly salute his exceptional service to our nation's veterans and, indeed, to all Americans. Not only is Bill Kling an American hero, Madam Speaker, he is a living testimony to the spirit of national service and a true role model.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $13,468,173,874,830.08.

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 $2,829,748,128,536.28 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING DISCOVERY HOSTAGE SITUATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize the actions of the men and women who responded courageously to the recent hostage situation at the Discovery Communications building in Silver Spring, Maryland.

On Wednesday, September 1, 2010, a man entered the Discovery Communications building in downtown Silver Spring, Maryland, taking three people hostage. This individual was holding a gun and possessed four improvised explosive devices, including one strapped to his body. For more than three hours, authorities attempted to negotiate with him to surrender and release the hostages. He was heard to repeatedly state that he was prepared to die. After hearing what was believed to be either a gunshot or an explosive detonating, the law enforcement team shot him and freed the hostages.

The local and federal authorities responding to this crisis situation in a dense urban environment are to be commended for their courage and professionalism. Responders included the Montgomery County Police Department, Montgomery County Fire and Rescue Service, the Maryland State Police, the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives. I want to especially recognize the Special Operations Division SWAT team of the Montgomery County Police Department for its leadership throughout this intense and uncertain situation. The Discovery Communications' building security officers and administrative staff also are to be commended for their quick and effective implementation of their crisis plan. The seamless communication and coordination between these agencies was a demonstration of their outstanding training and preparedness to handle crisis situations.

I would also like to commend Discovery Communications for implementing effective emergency plans that resulted in the safe evacuation of their employees and children in the building's day care center. The level-headed approach of Discovery's management and employees towards the situation prevented the crisis from escalating into a far worse scenario. Discovery's actions were essential in ensuring the safety of its employees during this crisis.

Outstanding preparedness training and seamless inter-agency communication, combined with the effective implementation of emergency plans by calm and cooperative Discovery management and employees, brought this harrowing situation to a safe conclusion. Although there was a loss of life, the first responders' courage, swift response, and professionalism helped prevent a bad situation from becoming worse and even more deadly.

CONGRATULATING MRS. MARTHA TWISSELMAN ON RECEIVING THE 2010 AGRICULTURIST OF THE YEAR AWARD

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. COSTA. Madam Speaker, I rise today to congratulate Mrs. Martha Twisselman of McKittrick, California on receiving the 2010 Agriculturist of the Year Award from the Kern County Fair. Mrs. Twisselman's dedication to fostering youth interest in agriculture through her work on the Kern County Fair Junior Livestock Auction Committee and her many years of community service make her most deserving of this award. It should also be noted with special recognition that Mrs. Twisselman is the first woman to be recognized with this honor.

Mrs. Twisselman was born in Paso Robles, California, to Ellsworth and Mary Muttney. Martha attended Olig Elementary, McKittrick Elementary, and graduated from Taft High School. After graduation, she married Carl F. Twisselman II and moved to the Temblor Ranch where she began her life in the cattle business.

Mrs. Twisselman is an active community volunteer, having held several posts in the past years including President of the McKittrick Elementary School Parent Teachers Association and President of the Taft High and McKittrick Elementary Parent's Support Organizations. Martha has also supported local youth groups, acting as a girls' softball coach for eight years and serving as a 4–H leader for 14 years.

Mrs. Twisselman's service to the agricultural community includes many years of involvement with the Kern County Cattlewomen's Association. She served as a director of the association, held the offices of secretary, treasurer, vice-president, and served as President of the association from 1997 to 1998. In 1996, Martha was also named Kern County Cattlewomen's Association Cattlewoman of the Year.

In addition to her volunteer service to youth and agriculture groups, Mrs. Twisselman has worked side-by-side for more than five decades with her husband, Carl, in the family's livestock grazing business. Martha was also a staff member of the Kern County Fair Junior Livestock Auction Committee for five years, working with families involved in showing livestock at the Kern County Fair. Last year, the Kern County Fair Auction Committee dedicated its catalogue to Martha and Carl Twisselman in honor of the couple's service to the agricultural community.

Martha and her husband Carl have four children, Mary Ann Hagstrom and husband Chuck; Carl F. Twisselman III and his wife Stacey; Julie M. VanSickel and her husband Jim; and Kathy Tracy and her husband Rob. Martha and Carl are also the proud grandparents of 13 grandchildren.

The leadership, commitment and dedication Mrs. Twisselman has shown to the Kern County Fair and to Kern County youth has not wavered during the many years she has served her community. Martha Twisselman is a role model for community spirit and it is with great pride that I congratulate her again on receiving the distinguished 2010 Kern County Fair Agriculturist of the Year Award and thank her for the great work she does for the residents of Kern County.

HONORING PASTOR SCOTT MANGANELLA AND PRECIOUS LIFE INCORPORATED

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. SHUSTER. Madam Speaker, today, I rise to recognize the work of Pastor Scott Manganella and Precious Life Incorporated of Altoona, Pennsylvania. Precious Life has been involved in helping young women between the ages of 16 to 22 through the challenges of unplanned pregnancies for over 20 years.

Precious Life began its mission in 1985 when Pastor Mangenella began operating a non-profit 24-hour hotline to give pregnant women counseling and an alternative to abortion. 80 women were helped in the hotline's first year of operation.

In 1988 after seeing a need for expanded services, Precious Life bought a house on Allegheny Street in Hollidaysburg and converted it into a temporary home for pregnant women with nowhere else to turn.

Since the Precious Life Maternity Home opened 22 years ago, it has offered shelter, comfort and support to over 150 displaced young pregnant women in the Altoona area.

Pastor Manganella and the staff at Precious Life provide an open door for comfort and support to young women who have been kicked out of their homes, abused or simply have no other place to turn.

Equally important, the staff act as a surrogate family for many of these young women, giving them structure and direction that was absent in their lives.

Pastor Manganella's work has expanded throughout central Pennsylvania, with a sister office in Bedford as well as a ministry in Johnstown. In addition, Pastor Manganella recently partnered with My Brother's Keeper, a Pennsylvania non-profit international Christian charity to open a center for education on abortion and family issues in Romania.

Pastor Manganella will be honored for his leadership on October 19, 2010 at the Pennsylvania Pro-Life Federation's 2010 Celebrate Life Banquet in Harrisburg and I congratulate him for his noble service.

HONORING THE WOMAN'S CLUB OF MORRISTOWN

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Woman's Club of Morristown located in Morris County, New Jersey, which is celebrating its 100th Anniversary this year.

Since its inception in 1920 as the Woman's Town Improvement Committee, the Woman's Club of Morristown has played a significant role in the community. Part of the New Jersey State Federation of Woman's Clubs and the General Federation of Woman's Clubs, the Woman's Club of Morristown has a long history of helping improve the lives of others.

Over the past century, the scope and impact of the efforts made by the members of the Woman's Club of Morristown have been far-reaching; from raising funds to volunteering their time for a variety of causes. They have shown a strong commitment to assisting the needs of cancer patients, newborns, nursing home residents, and residents at Greystone Psychiatric Hospital. In addition, they have shown their support for education by providing assistance to The Lake Drive School for the Hearing Impaired, awarding scholarships to graduates of Morristown High School and donating books to the Morristown Library. The Woman's Club of Morristown has also shown their support for organizations that help battered women and abused children. They are continuously looking to help those less fortunate, exemplified by their donations of clothing to Seaman's Institute and their co-sponsoring of "Operation Holiday," which provides gifts to those who cannot afford them.

In addition to assisting organizations in the community, the Woman's Club of Morristown has noted the historical importance of the area by preserving and maintaining the historic house of Dr. Lewis Condict, which serves as their club house. The house was built in 1797 and has been maintained by the organization for over 50 years.

Madam Speaker, I ask you and my colleagues to join me in congratulating the members of the Woman's Club of Morristown as

they celebrate 100 incredible years of community service.

PERSONAL EXPLANATION

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BARROW. Madam Speaker, I was not present for votes on Wednesday, September 22, 2010. Had I been present, I would have voted "yes" on rollcall vote 532 and "yes" on rollcall vote 533.

RECOGNIZING THE CONTRIBUTIONS OF JOHNNIE AYCOCK

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BACHUS. Madam Speaker, it is an honor to recognize the contributions of Johnnie Aycock, the President and CEO of the Chamber of Commerce of West Alabama, for his dedicated and tireless work to bring greater opportunity to the people of our region and State. Johnnie has announced plans to retire from the Chamber effective March 21, 2011 after 28 years of exemplary service.

During Johnnie's tenure, the West Alabama Chamber of Commerce has earned statewide recognition and respect for economic and workforce development, education initiatives and innovation in community development programming. West Alabama has enjoyed significant economic achievements, from the recruitment of large manufacturing plants to the development of many new small businesses. Johnnie's ability to build partnerships among the private sector, educational institutions, and government has been an integral part of this success.

Johnnie has stressed the importance of business leaders being active in public affairs and in their communities. He founded Leadership Tuscaloosa, which has trained more than 900 citizens in leadership. He has served on the Alabama Governor's Commission on Existing Industries and as Co-Chair of the Committee on Tax, Incentives & Fiscal Policy and has freely given of his time and talents to numerous civic organizations including the Alabama Jaycees, the Literacy Council of West Alabama, Junior Achievement, and the Rotary Club of Tuscaloosa. Johnnie has been recognized for his outstanding work with honors that include the Phi Delta Kappa's Outstanding Citizen For Education in Tuscaloosa County, the Tuscaloosa Advertising Federation's Bronze Oak Wreath Award for Community Service, the Outstanding Commitment to Public Service Award from the University of Alabama, and induction into the Tuscaloosa County Civic Hall of Fame.

A skilled communicator, Johnnie is the author of "Tuscaloosa: The Tradition, The Spirit, The Vision" and a contributor to the book, "Tuscaloosa: Centennial Progress, Millennial Hopes." He has been a columnist for the Tuscaloosa Business Ink Magazine, Planet Weekly, and Tuscaloosa Christian Family Magazine and for 7 years wrote a weekly column for the Tuscaloosa News.

Johnnie Aycock is a graduate of Auburn University and the Institute of Organization Management at the University of Notre Dame. He is also a graduate of the Center for Creative Leadership in Greensboro, North Carolina. Johnnie is a former member of the faculty of the Kettering Foundation's Public Policy Institute and has served as an adjunct professor at Stillman College's Management Institute.

The sound economic base and high quality of life that distinguishes West Alabama can be traced in no small part to the energy and enthusiasm of Johnnie Aycock. It is has been my pleasure to work with Johnnie on many economic development, education, and service initiatives during my time in Congress. Though Johnnie is retiring from his leadership position at the West Alabama Chamber of Commerce, I have no doubt that he will continue to be a devoted servant to the community that he so dearly loves.

HONORING THE 25TH ANNIVERSARY OF TREE FRESNO IN FRESNO, CALIFORNIA

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. COSTA. Madam Speaker, I rise today to congratulate Tree Fresno on the occasion of their 25th anniversary celebration. Tree Fresno has made a significant impact on the community of Fresno by promoting environmental stewardship programs and educating the community on the importance of preserving the environment. During their quarter-century of work, Tree Fresno has been responsible for planting over 37,000 trees in the greater Fresno area.

Tree Fresno was founded in 1985 during the city of Fresno's centennial anniversary by a group of concerned citizens dedicated to improving the local environment and preserving green spaces. Initial efforts from this group came to fruition in the form of a telethon raising $27,000 which was used to purchase trees to be planted in the downtown and Tower District areas.

While Tree Fresno's primary focus is on preserving green space in the community of Fresno, educational programs remain an important aspect of Tree Fresno's mission. Educational and stewardship programs such as Trees for Campuses & Kids and the Junior Board of Directors help teach Valley children the value of green spaces and caring for the environment. The Trees for Campuses & Kids program, which has planted over 4,100 trees on Fresno County school campuses, is only one example of the great services Tree Fresno provides to the community.

Community support, including endowment and membership programs, has helped Tree Fresno accomplish a variety of projects in the Fresno community. Examples of these initiatives include the planting of 500 trees along the McKinley Avenue Canal Bank and 939 trees on Blackstone Avenue, as well as partnerships such the "A Shade Better" program with Pacific Gas & Electric which allowed for 400 trees to be provided to homeowners to reduce energy costs. Through their efforts, Tree Fresno has planted over an average of a thousand trees a year in Central California. Tree Fresno also continues to make progress on the Friant Oak Loop-Scenic Highway Beautification and Reforestation Project and the Master Urban Parkway Plan which will create a network of over 200 miles of urban trails and connect schools, parks, and recreation areas.

In honor of Tree Fresno's 25th anniversary, they are launching a new endeavor called the "Real Green" program which aims to plant 100,000 trees over the next 10 years in partnership with organizations in the Fresno area. Tree Fresno's 25 years of advocacy for green spaces has contributed immensely to making the Central Valley a better place to live, work and raise a family. I ask my colleagues to join me in honoring Tree Fresno on the occasion of their 25th Anniversary and applaud their tireless work and enormous contributions as they continue their mission to preserve green space and provide environmental education for the community of Fresno.

INTRODUCTION OF H.R. 6222, THE NATIONAL OPPORTUNITY AND COMMUNITY RENEWAL ACT

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. McGOVERN. Madam Speaker, hunger and poverty are scourges on our society, but they do not have to be enduring or debilitating. Over the last hundred years, we have created a safety net system in this Nation that ensures that low-income families do not go without food, shelter and healthcare. No longer do we see mass starvation in this country. Communities aren't ravaged by disease and low-income families, for the most part, have access to doctors and medicine when they do face illnesses.

The sad fact, however, is that we are not winning the battle against poverty in this country. Recent Census data show that over 43 million Americans now live in poverty and, of those people, over 15 million are children.

If that weren't bad enough, we are continuing to recover from the worst economic times this Nation has faced since the Great Depression. Federal and state funds are tight and private donations to non-profits and charities aren't coming in at the same levels as before the recession.

It's easy to talk the talk when it comes to poverty. There may be a press release or a quick statement for the local papers. Some may even give a policy speech talking about the travesty of poverty and professing the need to do something bold.

But actions speak louder than words. We need to renew our commitment to fighting poverty. We need to refresh our thinking about the way our communities target poverty. Frankly, it's time we start addressing poverty in a new way, a way that reflects the challenges of low-income families while respecting these difficult economic times.

That's why I introduced "The National Opportunity and Community Renewal Act" today. I'm pleased that Senator BOB CASEY from Pennsylvania introduced a companion version in the Senate and I look forward to working with him on this issue.

The idea is simple—reduce poverty by better utilizing federal and state resources in

smarter and more sensible ways. Making ends meet through federal programs is not how people in this country want to live. The families I talk to want good paying jobs that allow them to put good, nutritious food on their table; pay for a roof over their head; and have a job that provides access to good, comprehensive healthcare. But the current federal safety net programs don't help people lift themselves out of poverty.

This bill, however, will help them do that. The National Opportunity and Community Renewal Act will award ten communities grants for five years each to test new and innovative approaches to poverty reduction. Each award is for $10 million that must be used in ways that will reduce poverty in half over 10 years. In other words, this bill allows communities to come up with antipoverty plans while maximizing the amount of funding spent on these plans.

We know that some plans work better in urban areas than in rural areas; that fighting poverty in Central Pennsylvania is different than fighting poverty in Central Massachusetts. But that doesn't mean the goals and means are any different.

Let me be clear—no one should interpret this legislation as cut to the social safety net. During these difficult times, we must ensure that low-income families have the support they need to put food on the table, heat their homes and receive proper medical care. This legislation is a starting point in this effort, a way to begin the dialogue on ways to improve and more efficiently run our anti-poverty programs. Frankly, it's a way to start the conversation on how to cut poverty in half in 10 years; a way to shift the conversation from individual safety net programs that manage the problem to a focus on results that actually help lift people out of poverty.

We need to commit to reducing poverty, but we need to do so smartly and responsibly. We need to allow communities the flexibility to come up with plans that suit their communities and we need to properly but responsibly fund these programs.

Ultimately, we'll be judged by the results of these programs. I believe we can reduce poverty in these participating communities by half in 10 years and I'm looking forward to working Senator CASEY, Father Larry Snyder and the Catholic Charities community on this worthy project.

HONORING UKRAINIAN GENOCIDE REMEMBRANCE DAY 2010

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to pay homage to the 10 million innocent men, women and children who lost their lives in the Ukrainian genocide of 1932–1933. As a result of Joseph Stalin and the Soviet government's brutal economic policies, peasants were stripped of their land, herded onto collective farms, and all the food that was produced was property of the state. Due to this deprivation of food and aid, masses of Ukrainian people began to starve in what is now known as one of the greatest atrocities known to civilization: an intentional, manmade famine intended to defeat all resistance and break the will of the Ukrainian people.

The Soviets, however, failed to account for the resilience and unbreakable spirit attributed to the people of this nation as the Ukrainians proved their strong will in emerging from an overtly oppressive regime to form a strong democratic nation. The Orange Revolution and the people of Ukraine are a true testament to the world of how a nation in dire straits can triumph over its oppressor to build a sovereign democracy.

Madam Speaker, I ask my colleagues to join me in recognizing Ukrainian Genocide Remembrance Day 2010, as we shed light on the horrific effects of group-targeted acts of violence and commemorate those who suffered. It's important not to fall into the line of retroactive thinking and dismiss these instances of the worst type of groupthink as issues from the past. Regimes in power with the desire and intent to destroy national, ethnic and religious still exist in many countries around the world. The divisive will of these people is only strengthened if we choose to ignore their presence.

HONORING D.C.'S DIFFERENT DRUMMERS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. NORTON. Madam Speaker, I rise today to ask the House of Representatives to join me in celebrating D.C.'s Different Drummers on their 30th Anniversary of providing music and entertainment for the lesbian, gay, bisexual, and transgender (LGBT) community in Washington, D.C.

The marching band began with 9 members in the 1980s, but D.C.'s Different Drummers has grown in membership and is comprised of several marching bands that range from four to 74 players, including the Capitol Pride Symphonic Band, Capitol Pride Winds, DC Swing! big band, DCDD Marching Band, Pep Band, and several other ensembles.

D.C.'s Different Drummers are committed to creating fine music and entertainment for the community. Their annual marches in the Capital Pride Parade and the Fourth of July Palisades Parade have received significant local attention over the years, but their march in the Inaugural Parade of President Barack Obama, as part of the Lesbian and Gay Band Association, brought national attention to their excellence as well. The D.C.'s Different Drummers have marched in Pride Parades in Baltimore, Harrisburg, Fredericksburg and Durham, Maryland.

The community has benefited as well through their volunteer efforts, such as carrying banners, US/DC flags, and the like at parades.

D.C.'s Different Drummers welcome not only non-gay members and non-musicians, but also encompass people of all races, cultures, and backgrounds. They hold open, weekly rehearsals. D.C.'s Different Drummers are truly a community-oriented band with respect for all.

I have marched in Pride parades since coming to Congress to emphasize universal human rights and the importance of enacting federal legislation to secure the same rights for the LGBT community enjoyed by others. Congress has much work to do. We must pass the Family Leave Insurance Act, the Employment Non-Discrimination Act, the Domestic Partnership Benefits and Obligations Act, the Respect for Marriage Act, the Safe Schools Improvement Act, the Military Readiness Enhancement Act, the Tax Equity for Health Plan Beneficiaries Act, the Family and Medical Leave Inclusion Act, the Uniting American Families Act, and the Responsible Education About Life Act.

This year our Nation's capital joined Iowa, Maine, Massachusetts, and New Hampshire in extending equal marriage rights to its LGBT residents.

Madam Speaker, I ask the House of Representatives to join me in celebrating the D.C.'s Different Drummers on their 30th Anniversary.

INTRODUCING THE HAITIAN EDUCATIONAL EMPOWERMENT ACT OF 2010

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Haitian Educational Empowerment Act of 2010. This legislation will allow those students who have had their studies interrupted as a result of the January 12th earthquake to complete their degrees at a U.S. university. It will also provide grants to American universities that have taken in Haitian students so that these schools can provide necessary support services.

As we are all well aware, this past January, a 7.0 magnitude earthquake rocked the already struggling nation of Haiti. Approximately three million people were affected and 230,000 are estimated to have died. Those that survived are facing unimaginable conditions with a crumbling infrastructure that has hindered the availability of even basic necessities.

However, in addition to the massive physical devastation and loss of human life, the earthquake also dealt a devastating blow to Haiti's already struggling higher education sector. With 87 percent of Haiti's universities located in the affected region, the earthquake leveled many university buildings and killed scores of students and academics. The State University of Haiti, the nation's largest, saw 80 percent of its buildings destroyed.

Even if classes are able to resume under current conditions, many students have found that they can no longer afford to attend as they and their families struggle to recover from the earthquake. Additionally, prior to the earthquake, only 1 percent of Haitians between the ages of 18 and 24 were enrolled in a university. For many of these students, a college education was their ticket out of poverty.

Now, they have not only seen their loved ones perish and their homes reduced to rubble, but their hopes for a better future have been dashed as well. My legislation will allow these students to complete their studies while requiring them to return to the island upon completion to put their education to work.

At a time of extreme instability and crisis, the United States must do all within its power

to help Haiti rebuild from this current tragedy. However, this recovery cannot be sustainable if Haitians lack the necessary skills to participate in the process.

While investments are made to rebuild and expand Haiti's university system, it would be counterproductive if, in the meantime, we allow Haiti to fall even further behind in educational attainment. My legislation will not only provide immediate relief to those struggling students who saw their hopes squandered on January 12th, but will also help ensure a more robust, long term recovery.

I ask my colleagues to support this legislation and urge the House Leadership to bring it swiftly to the House floor for consideration.

HONORING REVEREND HERMAN C. McCRAY, JR.

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. MEEK of Florida. Madam Speaker, I am pleased to recognize and honor Reverend Herman C. McCray, Jr., an anchor throughout the Palm Beach County community who has continued to be a living example of the ideals of community service. On September 25, 2010, the Palm Beach County Board of County Commissioners will hold a Bridge Dedication Ceremony for the ''Herman McCray Jr. Bridge.''

A native Floridian, Reverend McCray was born in West Palm Beach and graduated from Roosevelt High School. Upon graduation, he joined the United States Armed Services, 101st Airborne Division. Once Reverend McCray returned home, he attended Palm Beach Junior College, which is now Palm Beach Community College. He received religious training from Palm Beach Atlantic University School of Theology.

Reverend McCray became an anchor in both the West Palm Beach community where he grew up and the Riviera Beach community where he moved once he married his wife of 47 years, Lillian. The couple has three sons. Reverend McCray and his family joined Greater Bethel Primitive Baptist Church and have remained members for more than 40 years. In 1992, Reverend McCray was ordained a Minister and has served as Assistant Pastor of Greater Bethel for more than 10 years. Under his leadership, the church has sponsored many ministries and provided services that deal with issues affecting the lives of people in all age groups.

As a former Supervisor of Sanitation for the City of Riviera Beach, Reverend McCray brought great changes to his community. In the State of Florida, he was the first and only African-American to hold this position. He was also the first African-American to be employed as a ticket agent for the Greyhound Bus Company.

In an effort to complement his professional achievements, Reverend McCray operated McCray's Barbeque Restaurant in Riviera Beach where he prepared and distributed—free of charge—dinners and other meals to the sick and shut-in, homeless, elderly and other disadvantaged individuals. He has also volunteered with incarcerated men and women by giving self-enhancement messages. For more than 47 years, Reverend McCray has been a member of the Youth of Recreation Association of Riviera Beach. During this time, he served as president of the organization. Working with the Imperial Men's Club, he organized the Young Entrepreneurs, teaching students from Suncoast High Community School the art of establishing their own business. Because Reverend McCray has been a driving force in the fight for civil and equal rights for citizens in Palm Beach County, he has been listed in Blacks in Social Change in the South by University of Florida Professor Jim Button. He was also elected to Palm Beach County Biracial Committee and the Riviera Beach City Council.

Moreover, Reverend McCray has received numerous awards and recognitions such as: Business Man of the Year from Omega Psi Phi Fraternity, Inc.; the Westboro Business and Professional Women's Club; and Senior Citizen on the Year from the Martin Luther King Coordinating Committee.

Madam Speaker and my colleagues, I ask that you join me in honoring Reverend Herman C. McCray, Jr., a humble public servant, a true beacon of hope and a guiding light in the Palm Beach County community. He is an outstanding American worthy of our collective honor and appreciation. It is with deep respect and admiration that I commend Reverend McCray for dedicating his life to the community, and I thank him for his exceptional leadership.

RECOGNIZING THE 99TH NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to recognize October 10, 2010 as the 99th National Day of the Republic of China. Taiwan's National Day, also known as Double Ten Day, celebrates the October 10, 1911 Wuchang Uprising. This uprising in the city of Wuchang was the beginning of the Xinhai Revolution, which led to the collapse of the imperial Qing Dynasty and the subsequent establishment of the Republic of China.

Double Ten Day is commemorated annually in Taiwan and across the globe, beginning with the raising of the flag of the Republic of China and followed by parades, festivals, and other celebrations. In my own state of New Jersey, the Double Tenth will be celebrated at a special event held on October 3, 2010 in Edison Township. I am proud to recognize this important holiday and express my continued support for a strong Taiwanese democracy.

Madam Speaker, today I would like to congratulate the Republic of China on its 99th National Day and offer my best wishes to Taiwan as it looks toward its centennial year!

RECOGNIZING UNIVERSITY OF THE OZARKS FOR ITS SPECIAL NEEDS PROGRAM

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BOOZMAN. Madam Speaker, I rise today to recognize and congratulate the University of the Ozarks for its work with students with special needs.

The Clarksville, Arkansas university earned national attention and was named by Parade Magazine to its ''College A-List'' for its efforts to help college students with learning disabilities.

Established in 1971, the University of the Ozark's Jones Center was one of the first centers in the nation created to assist college students with learning disabilities or attention deficit/hyperactivity disorders. The center has a student to faculty rate of 4 to 1 which allows the center to provide students with the best services available so they can achieve the results they are capable of.

Jones Learning Center Director Linda Frost says this recognition confirms the dedication and commitment of staff to providing students with comprehensive support that allow all students to succeed.

This is a great honor for the staff and the students. Having such innovative leaders in the classroom provides an opportunity for all students to get the education they deserve. I am proud of the efforts of the Jones Learning Center and the University of the Ozarks and wish them success in the future as education leaders work to meet the needs of all students. I look forward to recognizing its future successes.

HONORING THE LIFE OF SERGEANT FIRST CLASS KRISTOPHER CHAPLEAU

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. DAVIS of Kentucky. Madam Speaker, today I pay tribute to Sergeant First Class Kristopher Chapleau, from LaGrange, Kentucky, who lost his life on June 30, 2010, of injuries sustained at Forward Operating Base Blessing, Afghanistan.

He was assigned to the 1st Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division (Air Assault), Fort Campbell, Kentucky.

Sergeant First Class Chapleau was a thirteen year veteran infantryman and platoon leader who enlisted in the Army in 1997.

He was the beloved husband of Terry Chapleau and a father to four young children, Jacob, Tyler, Angelica and Kimberly.

Today, as we celebrate the life and accomplishments of this exceptional Kentuckian, my thoughts and prayers are with Sergeant First Class Chapleau's family and friends.

We are all deeply indebted to Sergeant First Class Kristopher Chapleau for his service and his sacrifice.

HONORING LATINA LEADER AWARD RECIPIENT DR. JULIET V. GARCÍA, PRESIDENT OF UTB/TSC

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. ORTIZ. Madam Speaker, I rise today to honor the work, dedication and leadership of Nueces, UTB/TSC President, Dr. Juliet V. García, who will receive this evening the Latina Leader Award at the Washington Court Hotel.

Dr. García joined The University of Texas System as the president of The University of Texas at Brownsville in January 1992 after having served as president of Texas Southmost College for six years. When she was named as president of TSC in 1986, she became the first Mexican-American woman in the nation to become president of a college or university.

Under Dr. García's leadership, the campus has grown from 49 acres to more than 460 acres; the budget has increased from $31.4 million to $150 million, and the total fall enrollment has grown from 7,000 students to more than 15,000 students.

While the university has continued to increase in quantity, it has also grown in quality. The vocational nursing graduates have achieved a pass rate of more than 95 percent for their state licensures, likewise, the teacher education graduates achieved a 94 percent pass rate on their certification exams, with education students specializing in music, school counseling, Spanish, social studies, special education, physical education and mathematics achieving a 100 percent pass rate.

Dr. García has established a campus culture that promotes student success. She was instrumental in the establishment of a Math and Science Academy for high school students, an Early College High School in collaboration with the Brownsville Independent School District.

She has a strong history of public service. She served as chair of the Advisory Committee to Congress on Student Financial Assistance and on the White House Initiative on Educational Excellence for Hispanic Americans. Most recently, Dr. García has served on the boards of National Campus Compact, chaired Texas Campus Compact, and was a member of President-Elect Obama's Transition Team.

She currently serves on the boards of Ford Foundation, the Public Welfare Foundation, the Robert Wood Johnson Foundation, Humanities Texas, and Raise Your Hand Texas. She is also currently serving as the co-chair of the Notre Dame University Task Force: On the Participation of Latino Children and Families in Catholic Schools in America.

Among the many honors Dr. García has received for her work is induction into the Texas Women's Hall of Fame for Lifetime Achievement in Education and the Hispanic Heritage Award. She has received the Reginald V. Wilson Diversity Award from the Office of Minority Affairs from the American Council on Education. She was named one of the Top 10 College Presidents by Time magazine; Hispanic Business magazine recognized her multiple times in their 100 Most Influential Hispanics annual publication. The Brownsville Independent School District named the Juliet V. García Middle School after her.

She has received honorary degrees from the University of Notre Dame and Brown University. Dr. García earned a Ph.D. in Communications and Linguistics from The University of Texas at Austin and an M.A. and B.A. in Classical Rhetoric and Public Address and English from the University of Houston. For more than a decade, she has been invited annually to lecture at Harvard's Institute for Educational Management on the university presidency. She is often invited to speak at national conferences on the issues of access and innovation in higher education.

She is married to Oscar E. García for 40 years. They are the parents of two grown children, Oscar D. García and Paulita Rico, and are blessed with four grandchildren.

I ask my colleagues to join me in commemorating UTB/TSC President Dr. Juliet V. García for her work and dedication to UTB/TSC and her well deserved award as a Latina Leader.

NATIONALLY ENHANCING THE WELLBEING OF BABIES THROUGH OUTREACH AND RESEARCH NOW ACT

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. DAVIS of Illinois. Mr. Speaker, I wish to take a moment to state my strong support for H.R. 3470, the Nationally Enhancing the Wellbeing of Babies through Outreach and Research Now—or the NEWBORN Act. This bill authorizes grants to create, implement, and oversee infant mortality pilot programs. These grants could support a number of important activities to reduce our national infant mortality rate, including: educational outreach to at-risk mothers; development and implementation of standardized systems for improved access and services; and regional public education campaigns.

In order to fully understand the importance of this act, I believe our country needs to take a moment to reflect upon our infant mortality rate of 6.7 per thousand live births. The United States currently has one of the highest infant mortality rates among industrialized nations—higher than Cuba or Japan. Although the infant mortality rate has declined over time, this rate is unacceptably high and tragic because many of these infant deaths are preventable when mothers receive adequate care and education. Access to quality prenatal healthcare and parenting education greatly reduces many of the risk factors that contribute to infant mortality, such as low birth weight and short gestational age births.

It is of serious concern that great disparity exists in infant mortality rates across our country based on geographic location and racial/ethnic minority status. According to the Centers for Disease Control and Prevention, the infant mortality rate is much higher in the Southeastern and Midwestern regions of our Nation. In my home State of Illinois in 2006 is 7.29 per thousand live births, well above the national average. For African Americans, the infant mortality rate is 13.35, almost double the national average and almost triple the national average for Latino and White children. We cannot allow these disparities to continue. We cannot continue to allow particular groups of our citizens to lose their children at higher rates than others. We must work to dramatically reduce these deaths for all Americans.

These numbers reflect the need for federal legislation to increase access to quality prenatal care. I am proud to have played an active role in creating a dedicated funding stream for the home visiting to support families with or expecting young children. Authorized by the Patient Protection and Affordable Care Law, the new Maternal, Infant, and Early Childhood Home Visiting Program will provide grants to States to provide evidence-based home visitation services to improve outcomes for children and families who reside in at-risk communities. Research shows that these programs are effective at improving the health and well-being of children and families.

It is federal investments in home visiting and in the NEWBORN Act that will help improve children's well-being and lower the infant mortality rate. I stand in strong support of the NEWBORN Act and urge my colleagues to vote in favor of this bill.

SMALL BUSINESS JOBS ACT OF 2010

SPEECH OF

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. FRANK of Massachusetts. Madam Speaker, attached is a Wall Street Journal article noting that the lack of credit was hurting many small businesses in our country.

[From the Wall Street Journal]

LOAN SQUEEZE THWARTS SMALL-BUSINESS REVIVAL

(By Mark Whitehouse)

YPSILANTI, MI.—Thomas Harrison, chief executive of Michigan Ladder Co., has a plan that would contribute to the U.S. economic recovery: Expand the 108-year-old company, adding at least 20 jobs in the process. His chances of getting the loan of $300,000 or more he needs to do so, though, depend in part on what happens to folks like home builder James Haeussler.

Both are customers of the same community bank, the Bank of Ann Arbor. Mr. Haeussler is struggling to repay $8.3 million he and a partner borrowed to build a residential community in nearby Saline, Mich. In this economic environment, the bank doesn't want to take a chance on what it sees as a risky new loan to Mr. Harrison.

''In a world where Jim Haeussler makes it, Tom Harrison will make it,'' says Timothy Marshall, the bank's president. ''But it's not prudent to do both loans at this point in time. We're in a more risk-averse mode.''

Mr. Marshall's reluctance sheds light on a problem looming over the economy. A year and a half after the financial crisis hit, the U.S. credit machine is still malfunctioning. During the boom, credit was too abundant. Now the pendulum has swung. With an eye toward limiting such swings, Sen. Christopher Dodd is expected to unveil a bill Monday that would be especially tough on big banks while preserving the Fed's regulatory role, but the bill's prospects remain uncertain.

For a recovery to take hold, hundreds of thousands of small businesses must find the confidence to expand and create jobs. But when they get to that point, the local banks they depend on—worried about borrowers' financial strength, scrutinized by regulators and slammed by souring real-estate loans—might not be willing or able to provide the credit they need.

While big companies have been able to borrow in bond markets, smaller companies rely mainly on bank credit, which has been shrinking. In 2009, total lending by U.S. banks fell 7.4%, the steepest drop since 1942. In all, the credit pulled out of the economy by banks since the downfall of Lehman Brothers in September 2008 amounts to about $700 billion, more than double the amount so far distributed under President Barack Obama's $787 billion stimulus program.

''It's a dismal situation,'' says Diane Swonk, chief economist at Chicago-based financial-services firm Mesirow Financial. ''Banks won't lend to businesses because they're afraid they'll go bad, but that can become a self-fulfilling prophecy.''

The dearth of credit for small businesses could have a big effect on prospects for restoring the 8.4 million jobs lost since the recession began. From 1992 through the beginning of the latest recession, companies with fewer than 100 employees accounted for about 45% of net job growth, according to Labor Department data.

Policy makers have been looking for ways to reopen the spigot. President Obama has proposed creating a $30 billion fund to support small-business lending. Last month, in an unusual show of solidarity, the Federal Reserve, the Federal Deposit Insurance Corp. and other state and federal regulators issued a joint statement urging banks to continue lending to credit-worthy small enterprises.

Making sure small firms get access to credit ''is crucial to avoiding a Japan-type scenario of persistent stagnation,'' says Mark Gertler, a New York University economist who has done seminal research with Fed Chairman Ben Bernanke, then a Princeton University professor, on how troubles with bank lending can aggravate economic downturns.

Getting banks to lend more won't be easy, given the rising tide of defaults on loans made to finance housing developments, office buildings, shopping malls and other commercial real estate. Deutsche Bank expects banks to suffer at least $250 billion in losses on such loans, with about half coming in the next few years. Together with an estimated $250 billion in further charge-offs on home mortgages, that's more than double banks' current reserves against losses on all types of loans.

The stakes are particularly high for community banks, which tend to be much more active in commercial real estate than their larger counterparts. As of December 2009, such loans comprised about 42% of all loans held by the 7,344 banks with less than $1 billion in assets, compared to about 17% for the hundred or so banks with more than $10 billion in assets.

Some bankers say policy makers' desire to encourage lending isn't always reflected on the ground, where they say bank inspectors are getting tougher about lending standards. ''For the first time in my 37 years in banking, we're having to say to our clients that we're not sure this will pass muster with the regulators,'' says Larry Barbour, president and chief executive of North State Bank in Raleigh, N.C. ''That's not healthy.''

Washtenaw County, Mich., which includes Ann Arbor, Ypsilanti and Saline, offers a glimpse of how the cycle of economic malaise and shrinking credit is playing out across the country. The county includes the Willow Run plant, where Ford Motor Co. once produced the B–24 Liberator bombers that helped win World War II, the University of Michigan football stadium, and hospital complexes and high-tech start-ups in Ann Arbor. As of December, Washtenaw's unemployment rate stood at 9%, close to the national average.

Michigan Ladder's Mr. Harrison, 44 years old, remembers vividly the day in September 2008 when the recession hit home. The company, which manufactures wooden ladders and distributes imported aluminum and fiberglass models, had been doing well despite the financial crisis. Sales were up 6% over the previous year, and Mr. Harrison had expanded the company's staff to about 28, from 20 at the beginning of the year.

But during the week of Sept. 15, the company's largest supplier of aluminum and fiberglass ladders suddenly refused to deliver ladders unless it was paid in advance. Within days, says Mr. Harrison, Michigan Ladder lost as much as $1 million of the supplier credit on which it relied to pay for raw materials and maintain its inventory of ladders. At the same time, its customers started failing to pay for ladders it had already delivered.

''Literally overnight, the whole world changed for us,'' says Mr. Harrison. ''It was simply too much of a shock—too much of a change, too quickly.'' He laid off eight workers in December 2008 and another eight in 2009 as sales fell 40%.

Mr. Harrison has since lined up new credit from suppliers, and he says sales are on track to rise 15% this year. He thinks the time has come to implement the expansion project he shelved when the crisis hit. The plan: Produce in Michigan the aluminum and fiberglass ladders he currently imports from places such as Mexico and China. He already has the customers, and he calculates that manufacturing in Michigan will actually boost his profit margins, in part because the savings on shipping will offset the higher cost of U.S. labor.

''We can do this,'' he says. ''We can be a low-cost producer, and we will have a made-in-USA product, which we think will have some appeal to people.''

The Bank of Ann Arbor is Mr. Harrison's best bet to finance his project. Larger banks typically don't deal with companies the size of Michigan Ladder. Also, Bank of Ann Arbor, which has $543 million in assets, has weathered the crisis much better than most of its peers. It turned profits every year, expanded overall lending and declined the support of the government Troubled Asset Relief Program.

The bank has made loans to finance expansions for some of its stronger customers, such as Solohill Engineering, which makes products used in the manufacture of vaccines and more than doubled sales in 2009. Nonetheless, says its president, Mr. Marshall, fears about a weak recovery are prompting even healthy banks to be careful, a trend he recognizes could help make those fears a reality.

''It's kind of a vicious cycle,'' he says. ''Anytime you're in an economic environment like we are, bankers are going to be more conservative.''

One of bankers' main concerns is the damage the recession has done to many companies' finances. Values of real estate and other things small business owners can put up as collateral for loans have fallen so far, so fast, that many businesses have little to offer. Also, a year or more of losses have eroded the value of owners' stakes in companies, leaving less of a cushion against bankruptcy.

Mr. Marshall says such financial concerns are a big reason he's not ready to lend to Mr. Harrison, who says his company took heavy losses in 2008 before returning to profitability in 2009. Mr. Harrison says he's exploring ways to raise new money from investors, but so far to no avail. ''It's not reasonable to expect that [the Bank of Ann Arbor] can make up for all the credit companies like ours have lost,'' he says.

Mr. Harrison's credit difficulties also are linked to the travails of other borrowers such as Mr. Haeussler, the 51-year-old president of Peters Building. In 2005, he and a partner began developing a 625-acre piece of land known as Saline Valley Farms, the site of a cooperative farm in the mid-1900s.

The downturn hit Mr. Haeussler hard in 2007, when home builder Toll Brothers called with bad news: It wouldn't exercise its option to purchase 93 luxury-home lots, the entire first phase of the Saline Valley Farms project. When the $8.3 million loan he and a partner had taken out to grade the lots and build infrastructure came due in late 2008, they still owed $6.7 million and had 76 empty lots, the estimated value of which had fallen to about $1.4 million.

''It was perfectly wrong timing,'' says Mr. Haeussler.

Losses on loans to developers such as Mr. Haeussler have taken a toll on community banks, eroding their capital and limiting their capacity to make new loans. Bank of Ann Arbor has moved more quickly than other banks to recognize losses, charging off nearly one-quarter of its construction and development loans in 2009. That compares to about 5% for all banks. In its remaining portfolio of such loans, about 6% are delinquent, compared to about 16% for all banks.

Many community banks are renegotiating troubled real-estate loans. In Mr. Haeussler's case, the Bank of Ann Arbor cut a deal: In return for a four-year extension, Mr. Haeussler and his partner more than quadrupled the amount of collateral backing the loan, putting up the entire Saline Valley Farms project and more. Even with the added collateral, the bank charged off $2.1 million of the loan, effectively recognizing that it may never get the money back.

The bank figures that giving Mr. Haeussler more time increases the odds he will pay off his loan. But such deals tie up cash on what essentially are bets that existing borrowers will make it through. That leaves banks, including Bank of Ann Arbor, with less appetite to make new loans to customers like Mr. Harrison, who doesn't have the resources Mr. Haeussler and his partner used to secure their loan.

Mr. Haeussler, for his part, says he's trying not to think too much about all that's hanging in the balance, which could include his entire business. ''It's a little unnerving at times,'' he says. ''But you just have to put your head down and work through it.''

THE PEOPLE OF KASHMIR DESERVE A VOTE ON THEIR FUTURE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise tonight to call the attention of the House to the ongoing unrest in Kashmir. Although this conflict is a world away from our shores, it directly impacts our sons and daughters fighting the Global War on Terror in Afghanistan and Pakistan.

The mountainous region of Kashmir has been a flashpoint between India and Pakistan

for more than 50 years because many of the people living in Indian-administered Kashmir -especially in the Muslim-majority Kashmir valley—do not wish to be governed by India. They would prefer to be either independent or part of Pakistan. In fact, India and Pakistan have militarily clashed over the territory three times in 1947/48, 1965 and 1971, and nearly fought another war over the territory in 2001—which could have involved nuclear weapons.

Several years ago, Indian Prime Minister Manmohan Singh and then Pakistani President Pervez Musharraf agreed to begin a dialogue aimed at narrowing their differences on the issue of Kashmir, and launch a series of confidence-building measures aimed at promoting trade and normal relations. I was encouraged by their efforts to improve the security situation in Kashmir, and was hopeful that cooperation between India and Pakistan would continue and ultimately lead to a sustained peace in Kashmir. President Musharraf is now gone and Prime Minister Singh has either been unable or unwilling to carry forward the initiative he began some six years ago. As a result, the simmering frustrations of an entire generation of Kashmiris who have grown up and come of age in an environment of repression once again exploded into violence this summer.

Regrettably, the conflict has garnered little attention from the American media and zero attention from the White House. During the Presidential campaign, President Obama pledged to appoint a special envoy to the region and declared, ''. . . that solving the 'Kashmir crisis' was one of his 'critical tasks.' '' So far, this has been a promise unfulfilled.

Madam Speaker, I believe an end to the violence and uncertainty in Kashmir would be widely welcomed in India and Pakistan as well as by our military commanders in Afghanistan. The longer the Pakistani Government focuses on staring down India along the Line of Control in Kashmir the harder it will be to defeat the extremists groups threatening the stability of the Pakistani Government, as well as the elements of the Taliban and Al-Qaeda using Pakistan as a safe haven to launch attacks against coalition forces in Afghanistan.

I do not know how the problem in Kashmir will ultimately be solved. However, I personally believe that the people of Kashmir should be given the plebiscite they were promised by the United Nations decades ago. And I ask unanimous consent to place in the CONGRESSIONAL RECORD an op-ed by Dr. Ghalam-Nabi Fai—Executive Director of the Kashmiri American Council—which puts the case for the plebiscite in context. I encourage my colleagues to read it. Whatever the solution, resolving the dispute over Kashmir is crucial to defeating the militants and stabilizing Pakistan, and winning the War in Afghanistan. The status quo is simply unacceptable.

[From the Guardian, Aug. 31, 2010]

THE PEOPLE OF KASHMIR MUST BE ALLOWED TO VOTE ON THEIR OWN FUTURE

(By Ghulam-Nabi Fai)

Pankaj Mishra's article was a concise and accurate examination of the Kashmir crisis (Why silence over Kashmir speaks volumes, 14 August). He pointed out that the protesters ''have a broader mass base than the Green Movement does in Iran. But no colour-coded revolution is heralded in Kashmir by western commentators?

Virtually everyone—men, women and children—of the capital city of Kashmir, Srinagar, has taken to the streets to lodge a non-violent protest at the office of the United Nations against the continuance of Indian occupation. But such non-violent protests have received little or no press coverage, even though they have been taking place, as Mishra reports, since 2008. Is it any wonder that Kashmiris feel ''that theirs is the voice of a neglected people''?

Mishra speaks about the Indian media amplifying ''the falsehoods and deceptions of Indian intelligence agencies in Kashmir'', which argue that the Kashmiri protests are the work of Islamic fundamentalists and/or terrorists. But in the case of Srinagar, the population of a major town cannot be composed entirely of such elements.

Kashmiris simply demand a speedy implementation of the pledge solemnly extended to them by India and Pakistan and the UN—to be allowed to decide their future through an unrigged and uncoerced vote.

The protests are an unmistakeable expression of Kashmiris' resentment against the indifference of world powers—and their failure, largely because of toxic power politics, to implement international agreements.

As Mishra stated: ''India is a counterweight, at least in the fantasies of western strategists, to China.'' This contributes to the policies of inaction.

So Kashmir continues to bleed under a renewed outpouring of revolt against occupation, as the world continues to ignore it There is a deliberate and direct targeting of young people by the military forces, intent on crushing the anti-occupation movement. Mishra states: ''Already this summer, soldiers have shot dead more than 50 protesters, most of them teenagers.'' Their weapons? Rocks and stones. Hardly the tools of terrorists.

Apart from the magnitude of violence unleashed by the military forces against protesters, the most poignant aspect of the situation is the acute suffering of the whole population caused by the frequent curfews, disregard of normal life, arrests, detentions and sometimes disappearances of innocent civilians by the authorities. This is a situation without precedent in the south Asian subcontinent and with few parallels in the world today.

During his U.S. presidential campaign, Barack Obama pledged he would appoint a special envoy to the region—as Mishra says, ''he declared that solving the 'Kashmir crisis' was one of his 'critical tasks' ''. However: ''Since then the U.S. president hasn't uttered a word about this ur-crisis that has seeded all major conflicts in south Asia.''

If only Obama would keep his promise, it would certainly hasten the process of peace and stability in south Asia—home to one-fifth of the human race.

SMALL BUSINESS JOBS ACT OF 2010

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. POMEROY. Madam Speaker, I rise in support of H.R. 5297—Small Business Lending Fund Act of 2010, a bill that brings billions of dollars of tax relief and access to capital to small businesses.

Helping North Dakota businesses create jobs is one of my top priorities. In North Dakota, small business is business. Nearly 80 percent of North Dakotans work for companies with less than 500 employees and 60 percent work for companies with less than 100 employees. Small businesses are a proven engine of job creation. During the last economic expansion, companies with less than 20 employees accounted for 40 percent of the job growth while accounting for only 25 percent of all jobs.

Today, we give this engine of job creation the fuel it needs to charge forward.

Surveys of National Federation of Independent Business members identified the number one economic concern facing small businesses as poor sales stemming from a lack of demand from consumers. This has been their top concern since the recession and most recently 31 percent of respondents reported poor sales as their most important problem. Beneath this response is the fact that many small businesses want to borrow but cannot. So, they need help with capital too.

To help small business, I introduced bipartisan legislation, the Small Business Jobs and Tax Relief Act, which would generate demand for products and services while putting more capital into the hands of small businesses.

One of the lingering difficulties is that many small businesses have limited access to the capital they need to operate, grow, and create new jobs. By providing small business tax relief, Congress can free up money, which will help small businesses feel that they can hire new employees and make investments in new equipment that will build demand for goods and services. I am pleased that tax cuts from the bill I authored are in key components in this bill before the House today.

One of the several good measures in H.R. 5297 that will generate the demand that our small business need to grow is bonus depreciation. It is one of the best ways to stimulate the economy and create jobs. Bonus depreciation accelerates the rate at which businesses can deduct the cost of capital expenditures so it encourages companies to spend while it boosts company cash flows.

Economists rate bonus depreciation as one of the most economically productive tax initiatives. In a 2001 analysis, the Institute for Policy Innovation estimated that every $1 of tax cuts devoted to accelerated depreciation generates about $9 new growth in the economy. Looking back at times when bonus depreciation was used to encourage capital investment, economists determined that it was responsible for creating several hundred thousand jobs.

Out in our small towns, many Americans are creating job opportunities for themselves and for others by starting new small business. We need to encourage this spirit of free enterprise. The Small Business Lending Fund Act of 2010 will help new start-up businesses in two ways that I heard from North Dakotans would be helpful and included in my bill:

1. The bill would double the current amount a start-up business can deduct, so that a new business owner could deduct $10,000 of expenses he or she might have incurred to set up shop. Without the bill before us today, that deduction for start up costs would be limited to only $5,000; and

2. The 100 percent exclusion from tax of gains on small business stock in H.R. 5297 would expand the access to capital for small business across the county.

This bill also reduces the regulatory burden on small business by modernizing the tax accounting required for business provided cell

phones and eliminating outlandish penalties for abusive tax shelters.

Small businesses are most likely to conduct business while they are away from their offices. Nine out of ten small businesses indicate they use mobile phones for their business and one in seven feel that their businesses could not survive without mobile devices. The Internal Revenue Code still contains paperwork requirements for wireless phones from the 1970s. Rather than spending money on accountants and the costs associated with an IRS audit, H.R. 5297 allows small businesses to spend it instead on creating jobs.

While the Internal Revenue Service must stop abusive tax shelters, today will vote to eliminate a disproportionate effect that some tax penalties have on small businesses. No longer will small businesses face outlandish penalties for failing to disclose on their taxes reportable transactions. The bill brings such penalties into proportion with the underlying tax savings and does not put business owners out of business.

In conclusion, I would like to thank Chairman LEVIN for including small business tax incentives, especially bonus depreciation, and relief from excessive regulations that I authored in the bipartisan Small Business Jobs and Tax Relief Act in the final bill that we vote on today.

The Small Business Lending Fund Act of 2010 is good for North Dakota small businesses. I urge my colleagues to vote yes on H.R. 5297.

CONGRATULATING TAIWAN ON THE 99TH ANNIVERSARY OF THE REPUBLIC OF CHINA

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. INGLIS. Madam Speaker, I rise and invite my colleagues to join me in recognizing the Republic of China's National Day, known as ''Double Ten Day.'' On October 10, 1911 the Wuchang Uprising ushered in the wave leading to the collapse of the Ching Dynasty and the founding of the Republic of China. This anniversary will be a day of great celebration and thanksgiving, and I would like to offer my congratulations and good wishes to President Ma Ying-jeou and all the people of Taiwan on this special occasion.

The centennial anniversary of the Republic of China's National Day is just one year away and it is fitting and proper to recognize the great strides made by the Republic of China over the course of that century. This great country has developed a vibrant and spirited democratic system of government, created a dynamic economic engine, and developed into a fully modernized country—a model for the region.

Under the leadership of President Ma, Taiwan has also worked to improve relations with mainland China, having successfully negotiated and signed the Economic Cooperation Framework Agreement, ECFA, this year. Efforts like this can foster a new sense of cooperation within the region as the people of China and Taiwan benefit from increased trade between their countries.

So I stand together today with the people of Taiwan as they celebrate the 99th anniversary of the founding of the Republic of China. May the bravery and commitment that marked that day continue to flourish in these days and in the years ahead.

AMERICAN MANUFACTURING EFFICIENCY AND RETRAINING INVESTMENT COLLABORATION ACHIEVEMENT WORKS ACT

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to promote America's workforce competitiveness by calling for measures that modernize our job training programs and prepare workers with the skills they need to succeed in the 21st century global economy. The bill before us, the AMERICA Works Act, H.R. 4072, would develop the technical workforce necessary to strengthen and attract in-demand industries in the United States, and create good jobs in regional economies across the country.

Our Nation's economic recovery remains extremely fragile. According to last month's jobs report, 42 percent of the nearly 15 million people have been unemployed for 6 months or longer. Despite large numbers of individuals looking for jobs, the staffing firm Manpower, Inc., found in a recent survey that one in five employers have left positions unfilled because they did not believe qualified candidates existed. Especially employers in key industries such as manufacturing, healthcare, and energy report difficulty finding workers with appropriate skill sets. With unemployment rates expected to remain high for months to come, investing in targeted job training that matches labor market demand is an economic strategy needed for a strong and sustained recovery.

Employers rely on a pipeline of skilled workers to drive innovation, increase productivity, and remain globally competitive. At the same time, individuals need the skills and credentials to fill these jobs. According to the Virginia Council on Advanced Technology Skills, which include companies such as Micron Technology, Inc., and Boehringer Ingelheim Chemicals, more than 40,000 manufacturing jobs could open up in the region over the next few years. The industry group is currently developing an assessment to determine what skills employers require and help students learn what skills they need to increase their job prospects and increase their salary when they are hired. The goal is to be able to match workers with the core skills and industry-recognized credentials for employers that have job openings. Addressing the current skills mismatch, according to the president of the Minneapolis Federal Reserve Bank, could reduce national unemployment from 9.6 percent to as low as 6.5 percent.

The AMERICA Works Act will help workers and employers like the industry group in Viriginia as well as other industry-sector partnerships fill the skills gap by honing in on the importance of industry-recognized, portable credentials. Specifically, the bill would direct the use of public funds for designated programs within the Carl D. Perkins Vocational-Technical Education Act and the Workforce Investment Act to prepare individuals with the core skills necessary to obtain good, middle-class jobs. This bill complements other efforts, including sector strategies, which support local partnerships between business, labor, the workforce system, and education and training providers to ensure that workers have the skills employers need to compete in the global marketplace.

Mr. Speaker, I want to thank Congressman MINNICK and Congressman LEE for introducing this legislation that invests in the skills of America's workers. I urge my colleagues to continue to advance education and training measures that build America's workforce and strengthen the economy.

HONORING THE ALLEN ORGAN COMPANY

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. DENT. Madam Speaker, I rise today to honor the Allen Organ Company, which was founded in Allentown, Pennsylvania, by Jerome Markowitz, in 1937.

We are fast approaching the 40th anniversary of the technology used in the Allen Digital Computer Organ, the world's first digital instrument. Introduced the same year as the digital calculator, these were the first two applications of the digital technology that is so prevalent in our world today. For nearly 40 years, digital music has provided quality, versatile, and economical music to performing artists and houses of worship.

In 2004, the Smithsonian Institution acquired the very first Allen Digital Organ, which was manufactured in 1971 and originally installed in St. Andrew's Lutheran Church in Easton, Pennsylvania. This recognition is a great honor for the Allen Organ Company and the inventive people in my district who have been crafting high-quality instruments for decades.

Today, the Jerome Markowitz Memorial Center serves to display the technological advancements that Allen Organ has made over the years which have contributed to the advancement of electronic music. Allen Organ's early advances in digital technology paved the way for modern digital sound devices, such as CDs, personal computer sound cards, and portable media devices. From the company's first patent for an analog organ in 1938 through the digital revolution, Allen Organ has been a pioneer in the advancement of electronic music.

Jerome's son, Steve Markowitz, is currently the president of the company, which has been run by the same family for seventy-three years. From humble beginnings, the Allen Organ Company now employs roughly 200 of my constituents in the Lehigh Valley and has installed 80,000 instruments in more than 80 countries. In closing, Madam Speaker, I would like to applaud the Allen Organ Company and its employees for their enduring dedication to the furtherance of digital music technology.

IN HONOR OF SERGEANT STEVEN J. DeLUZIO

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. COURTNEY. Madam Speaker, it is with great sadness that I rise today to honor Sergeant Steven J. DeLuzio, of Glastonbury, Connecticut. Steven was killed on August 22, 2010 when insurgents attacked his unit in Paktika, Afghanistan. I had the honor of attending the funeral service for Steven in which hundreds of friends, relatives and others took time to honor his life, his service, and his sacrifice.

For those who knew Steven, they talk of a man who was passionate about life, about service and about sports. Steven played four years of varsity ice hockey and was an avid Yankees fan in part just because his father loved the Red Sox. Our thoughts are with Steven's father Mark and his mother Diane. My heart goes out to his brother Scott, his fiancé Leeza Gutt, and the scores of friends and family members who had the privilege of knowing Steven DeLuzio.

Steven graduated from Glastonbury High School in 2003 and joined the Vermont National Guard after being motivated by the attacks of September 11th. He was deployed to Iraq in 2006 and was awarded the Iraq Campaign Medal and Combat Infantryman Badge. After returning home, Steven was again deployed to Afghanistan in March 2010.

Sergeant Steven DeLuzio led a life that serves as an example to all. I ask all of my colleagues to join with me, and the people of Connecticut, in honoring Sergeant Steven J. DeLuzio for his sacrifice. Our thoughts and our prayers are with the DeLuzio family in their time of need.

HONORING THE HEROISM OF PRIVATE FIRST CLASS CHARLIE JOHNSON

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KINGSTON. Madam Speaker, I rise today to honor the heroism and courage of Private First Class Charles R. Johnson, better known as Charlie to his friends. Private Johnson fought and died to save his buddies on a hot day in a far away land, in a war largely forgotten by the American public. However, for those who fought in Korea against a dedicated enemy in some of the most forsaken terrain on this earth, scarcely a day goes by without remembering the sacrifices made there. And for those that were at Outpost Harry in June of 1953, they will never forget Charlie Johnson.

Charlie was a Browning Automatic Rifleman with Company B of the 15th Infantry Regiment, 3rd Infantry Division. Early in June of 1953, Baker Company, as Company B was known, was ordered to defend Outpost Harry with other units from the 15th Infantry. This outpost in the Chorwon valley was of strategic importance. The high ground that Outpost Harry occupied could be used by communist forces to directly engage United Nations forces' defensive positions. If Outpost Harry fell, the U.S. 8th Army would have to fall back 6 miles to a new, defendable position. It was feared that public support would erode and the United States might agree to a cease-fire under unfavorable conditions if the communists could inflict heavy casualties and force a retreat of the 8th Army. As peace negotiations were ongoing, the loss of Outpost Harry was simply not an option.

The battle for Outpost Harry was fierce. Almost 90,000 communist artillery rounds landed on Outpost Harry during the battle. The U.S. and Greek soldiers were outnumbered 30–1. Some of the fighting was hand-to-hand. The fighting went on for 8 days.

It is in this context that Charlie's brave actions took place. He selflessly put himself in the line of fire to protect his fellow soldiers, all of whom were injured during the attack. After treating the wounds of his fellow soldiers, he led them to safety and then returned to defend the position and enable the rescue of his fellow soldiers. This sort of bravery went unrecognized for over 50 years. Thanks to the leadership of the current 3rd Infantry Division, Major General Cuculo and Brigadier General Phillips, this brave act has not gone unrewarded. For his actions on the 11th and 12th of June, 1953, Charlie Johnson was finally awarded the Silver Star, our nation's third highest medal for valor in combat. I believe Charlie's Silver Star write up says it best:

"During the night and early morning of 11 and 12 June 1953 against overwhelming odds during an attack on his element's position, Private First Class Johnson acted with complete disregard for his personal safety to ensure the safety of his fellow Soldiers. Ignoring his own injuries, he treated several wounded comrades, dragging one Soldier through the Trenches while under direct artillery, mortar and small arms fire to a secure bunker, stopping only to clear the path of enemy soldiers in close combat operations. Ignoring the proximity of the opposing force, he left the bunker to assess the situation and secure weapons and ammunition. When he returned, he organized a defense and departed his fighting position in order to place himself between his comrades and the enemy, thereby creating the conditions for their successful rescue."

In an age of persistent conflict, it is useful to reflect on those who have gone before us and have shown character, integrity, sacrifice and bravery in their actions. Today's soldiers of the 3rd Infantry Division, and indeed all of our men and women in uniform, will look to Private First Class Johnson's actions as an example to live up to. There was an easy way out that night; Charlie could have chosen to retreat. But he chose to fight, and because of his actions others lived. That is the textbook definition of the ultimate sacrifice.

Charlie's Silver Star was presented to his family this last weekend in Poughkeepsie, New York. His good friend Donald Dingee, one of the men he saved that night, was in attendance. It is unfortunate that Charlie's Silver Star had to wait so long, but I am happy that the final chapter has finally been written. Our nation continues to enjoy liberty and freedom unlike any other, and it is due in no small part to heroes like Private First Class Charles R. Johnson. Thank you Charlie.

RECOGNIZING THE SERVICE AND SACRIFICES OF DR. PETE TATSUO OKUMOTO AND OTHER JAPANESE-AMERICAN SERVICEMEN OF WORLD WAR II

HON. CHARLES K. DJOU

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. DJOU. Madam Speaker, I rise today to recognize the heroism and sacrifices of Dr. Pete Tatsuo Okumoto and other Japanese-American veterans of World War II.

Dr. Okumoto served as a frontline combat surgeon with the United States Army's 10th Mountain Division in Northern Italy during World War II and participated in two major campaigns including North Apennine and Po Valley. Dr. Okumoto received numerous military decorations for his honorable service. I commend Dr. Okumoto for his dedication and commitment to the field of medicine and honorable service to the United States. It is with great pleasure to formally recognize Dr. Okumoto on the floor of the House of Representatives.

As a Captain in the Army Reserve, I understand the demands placed on our servicemen and women. I thank Dr. Okumoto and all other Japanese-American veterans for their heroism and for their service to the state of Hawai'i and the United States. Aloha.

HONORING PARKER STEVEN SPAW

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Parker Steven Spaw. Parker is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 332, and earning the most prestigious award of Eagle Scout.

Parker has been very active with his troop, participating in many scout activities. Over the many years Parker 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, Parker has contributed to his community through his Eagle Scout project. Parker solicited donations for and volunteered his assistance towards refurbishing the family resource center for IMPACT ministries in Eastern Jackson County, Missouri.

Madam Speaker, I proudly ask you to join me in commending Parker Steven Spaw for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SMALL BUSINESS JOBS ACT OF 2010

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. SCHAKOWSKY. Madam Speaker, I rise today in strong support of H.R. 5297, the Small Business Jobs Act. Legislation that provides much needed lending to millions of small businesses and offers tax incentives to help small businesses grow, hire, and fuel our economy.

As we all know, small businesses are a key engine of our economy, creating two-thirds of the new jobs over the last 15 years. America's 27 million small businesses continue to face a lack of credit and tight lending standards, with the number of small businesses loans down nearly 5 million since the financial crisis in 2008 under President Bush.

Last month, I went on a tour of small businesses throughout my district. I have also met individually with many small business owners who are struggling to stay open. While visiting these businesses, I saw firsthand the serious challenges they face while the United States struggles to overcome its most significant economic crisis since the Great Depression. It was clear to me that they have all the tools necessary to prosper but need our financial institutions to function properly and provide them the resources to succeed.

H.R. 5297 will provide small businesses with this opportunity by increasing access to capital and spurring investment and growth throughout our country. In fact, it is estimated that this bill alone will create 500,000 new jobs in America.

Madam Speaker, I am proud to support this legislation, which will provide our small businesses with the assistance they need to compete in this difficult economic climate. I know it will have a substantial impact on my district and strongly urge my colleagues to support it.

VETERANS BENEFITS AND ECONOMIC WELFARE IMPROVEMENT ACT OF 2010

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 6132, which improves the social services currently offered by the U.S. Department of Veterans Affairs, VA, by reaching out to and providing benefits for many veterans not currently enrolled accounted for under our current federally-funded programs.

I want to thank Chairman FILNER for his leadership in bringing this resolution to the floor. I also thank the Congressman for sponsoring this legislation and for his dedication to ensuring that this nation does everything it can to repay our veterans for the sacrifices they have made to protect us.

Mr. Speaker, as the representative of a district that is home to over 23,000 veterans and the VA Medical Center of Long Beach, I know how important it is to ensure that our veterans have the resources to access affordable health care, housing, and financial security.

H.R. 6132 establishes a transition program for new veterans not eligible for other employment aid programs. With 40 percent of young veterans from who Iraq and Afghanistan more likely to be unemployed than anyone in their age group, it is vital that we continue to demonstrate our support for them through bills such as this.

The bill's provisions are aimed at directly improving the disability claim system by extending the 120-day limit for filing an appeal to the Court of Veterans Appeals after a final decision of the Board of Veterans' Appeals. The bill would also increase the pension amount for Medal of Honor recipients, establish an award program that will allow the VA to recognize businesses for their contributions to veteran employment, and protect veterans from losing their non-service connected pension benefits.

Mr. Speaker, the bold actions taken by Congress and the Administration thus far have been critical in assisting our courageous Veterans. Not only have they provided the vital services that our veterans have earned, but they also equip our former soldiers with the resources they need to lift them out of unemployment and live stable, healthy lives.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 6132.

HONORING THE KALISHMAN FAMILY

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CARNAHAN. Madam Speaker, I rise today to honor an extraordinary St. Louis family dedicated to community service and who embodies the spirit of volunteerism. The Kalishman family is receiving this year's Netzach Award from the St. Louis Chapter of the American Jewish Committee.

The Kalishman legacy of community service began with Nancy and late husband Jerry, and continues today through their children. Nancy has a long record of service but continues to show her dedication and compassion by reading to underserved children as part of the Ready Readers Program. Formerly a teacher, she is a past and lifetime member of the board of the Scholarship Foundation of St. Louis, past president of the Temple Israel Sisterhood, and has served on the boards of many other community organizations.

Daughter, Susan Goldberg, follows in her mother's footsteps by currently serving as board president for Ready Readers and as vice-chair of the Barnes-Jewish Hospital Foundation. She is also a board member of the Scholarship Foundation and the Magic House. Closer to home Susan serves as troop leader for both her daughter's Brownie troops and as president-elect of their school's parents' association.

John Kalishman serves as vice president of finance/treasurer of the Jewish Federation. He previously served six years as chair of the investment committee for the St. Louis Jewish Community Foundation in which he was responsible for managing its endowments.

Jim Kalishman and his family just moved back to the St. Louis area five years ago and did not wait to get involved with the community. He is now vice president of the board of Congregation Shaare Emeth and was selected to participate in an emerging leader program. He also led the launch of the successful campaign to pass Proposition 0 for the Ladue Schools.

The Kalishman family has shown unwavering dedication to the Jewish and St. Louis communities in the past, and there is no doubt that they will continue to serve and provide as examples of how volunteerism is alive and well in this country. Please join me in congratulating the Kalishmans in their much deserved honor in receiving this year's Netzach Award.

IRAQ ELECTED OFFICIALS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise in strong support of the resolution I am introducing today that encourages all elected officials and political leaders in Iraq to redouble their efforts to form a government that is just, representative, and accountable to the people of Iraq.

More than six months ago, on March 7, 2010, the Iraqi people went to the polls and elected 325 members of the Council of Representatives which, pursuant to the constitution of Iraq, must select the new Prime Minister and President. Iraq currently remains without a Prime Minster or President, and negotiations between the elected political parties seem to have reached a stalemate.

This is not good for Iraq or for the region. The vacuum created in the absence of a new government has encouraged violent attacks against government officials and Iraqi civilians by terrorist thugs who are intent on destabilizing the country.

Destabilizing as well is the fact that more than two million citizens of Iraq remain displaced both inside Iraq and in countries in the region and around the world, and the failure of the government of Iraq to enact comprehensive oil and gas sector framework and revenue-sharing legislation to meet development needs.

Madam Speaker, I urge my colleagues to support this resolution that calls on the leaders of Iraq to form, as quickly as possible, a capable and representative government that is accountable to the people, to address the needs of its displaced citizens and to effectively, fairly and transparently develop its oil and gas resources in order to meet its pressing development needs.

HONORING MR. IAN SEIVWRIGHT ON THE OCCASION OF HIS RETIREMENT AS DEPUTY CHIEF OF THE WESTERN SPRINGS FIRE DEPARTMENT AFTER 50 YEARS OF SERVICE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. LIPINSKI. Madam Speaker, I rise today to honor Mr. Ian Seivwright, who has contributed to the safety and welfare of Western Springs residents over the last 50 years as a member of the Western Springs Fire Department. His final day with the fire department will be October 1, 2010.

Western Springs was founded in 1886 and established its fire department eight years later in 1894. During its 115-year history, the fire department has been invaluable to the residents of Western Springs thanks to the bravery and commitment of its volunteer, full-time, and part-time firefighters.

As a member of the Western Springs Fire Department for almost half of its long history, Mr. Seivwright has touched many lives, whether through extinguishing fires, saving lives, or by leading and teaching young firefighters. Mr. Seivwright showed an early interest in firefighting and public service at age 13 when he was a junior high student in Western Springs. He would observe and follow local firefighters, waiting for the day when he would be old enough to serve. Mr. Seivwright eventually became a full-time member of the Western Springs Fire Department, and thanks to his skill, integrity, and dedication, rose to the position of Deputy Chief.

In addition to serving his community, Ian Seivwright also served his country as an officer in the United States Navy in the late 1960s and early 1970s, where he distinguished himself in his service with the Pacific fleet.

Mr. Seivwright's commitment to residents of Western Springs and the fire department will be sorely missed as he retires. He has been a great asset to his community. His retirement is truly worthy of special recognition and commendation.

Mr. Seivwright has inspired those around him to be courageous, helpful, and professional just as he has been. I am certain his legacy will continue to motivate young public servants for years to come.

I ask you to join me in honoring Mr. Ian Seivwright for his work on behalf of the residents of Western Springs, and to wish him a well-deserved, long, and happy retirement.

HONORING TYLER RADER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Tyler Rader. Tyler is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 394, and earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many scout activities. Over the many years Tyler 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, Tyler has contributed to his community through his Eagle Scout project. Tyler constructed two outdoor benches to allow people who come to the local Harvesters food pantry a place to sit and eat.

Madam Speaker, I proudly ask you to join me in commending Tyler Rader for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN TRIBUTE TO JUDGE STEVE McGUIRE

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to the Honorable Judge Steve cGuire, an eight term County Judge of Mississippi County, Arkansas. For 16 years he has worked hard to maintain a strong, unified Mississippi County that has benefited in overall wealth, job growth, and prosperity for its residents. Over the years, he has kept an open ear and mind to everyone he has worked with, and although he surely deserves his retirement he will be missed by all.

Steve has been a lifelong resident of Mississippi County. After graduating from the University of Arkansas with a business background, he earned an advanced degree in Agricultural Engineering.

A former intelligence officer of the U.S. Navy himself, Steve made it an important part of his life to continue to support veterans as a member of both the American Legion Post 24 and Veterans of Foreign Wars Post 7075.

Steve has continued to share his knowledge and passion throughout his career as a member of the Osceola Rotary Club, Arkansas Waterways Association, Lower Mississippi Valley Flood Control Association, County Judges Association, Blytheville/Gosnell Regional Airport Authority Board of Directors, and as an Honorary Board Member of both the Blytheville and Osceola Chambers of Commerce.

I wish Steve, his wife of 46 years, Anne Tyler, and the rest of his family all my love and respect, and a long happy retirement.

CHRISTOPHER BRYSKI STUDENT LOAN PROTECTION ACT

SPEECH OF

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. ADLER of New Jersey. Mr. Speaker, I rise today to support the passage of H.R. 5458.

Like all of my colleagues, I receive thousands of pieces of mail a week. When a letter from my constituent Ryan Bryski came across my desk I knew I had to act.

Ryan's brother Christopher, for whom this bill is named, was a young man attending Rutgers University when he suffered a traumatic brain injury after an accidental fall.

Christopher was in a vegetative state for 2 years before his passing in 2006.

For a parent, that situation would have been enough to endure, but for the Bryski family, their suffering was far more than just the loss of their youngest son.

Like most college students, Christopher had to borrow money to finance his education.

He had received loans through both the Federal Government as well as a private lender. Like most college aged kids, Christopher did not have enough credit to receive a private loan on his own, so his father Joseph cosigned his loan.

Federal loans discharge upon the death of a student, however private loans do not. Since Joseph cosigned Christopher's loan he was now responsible to pay it back in full.

This situation puzzled the Bryski family because nowhere in their loan contract was a clause specifying what would happen to the loan upon the borrower or cosigner's death or disability.

Their lender told them that according to the bank Christopher's persistent vegetative state and subsequent death was a simple ''inability to pay,'' so the financial burden was placed on Joseph.

This was not the only problem the Bryskis encountered after their son's fatal accident.

Due to the fact that Christopher was over 18 when he left home to attend school he was, according to the law, an adult who was able to make his own financial, legal, and health care decisions.

With Christopher in a vegetative state, his parent needed to maintain his financial standing with his school, as well as pay his bills and fulfill all of his contracts.

The Bryskis spent countless time and money regaining custody of their own son so that they could prevent him from defaulting on other bills in case he should recover.

They were not only being responsible parents, but responsible Americans.

The Bryskis also endured a personal interview of Christopher, so that the courts could be sure Christopher was indeed unable to make decisions on his behalf. Literally, someone from the court came to Christopher's hospital room and yelled in his face to ensure that he would not respond and he was indeed in a vegetative state.

As a father of 4 boys, 2 of whom are in college, I cannot imagine going through what the Bryskis went through.

This is why I introduced H.R. 5458 the Christopher Bryski Student Loan Protection Act or Christopher's Law.

This bill would help prevent other families from going through what the Bryskis did by ensuring that private educational lenders clearly describe the obligations of borrowers and cosigners upon their death or disability—what the banks call ''an inability to pay.'' The rest of us would call it a family tragedy.

Christopher's Law will also urge the Federal Reserve Board to adopt and interpret the same definitions of death and disability as the Department of Education, mainstreaming and clarifying the law.

This bill does not require that private loans be discharged in case of death or disability. It simply requires private educational lenders to define death and disability so that borrowers and cosigners can refer to these definitions should a catastrophe happen to their family.

It also states that the private education lender as well as the Federal Government must provide information on creating a durable power of attorney to handle the borrower's financial affairs should the borrower be unable to make those decisions on their own.

In other words, borrower and lender must be on the same page.

Since I introduced this legislation I have been approached by other families in my district with the same problems the Bryskis encountered.

Giving students and their families more choices to protect them against disability or death is an important step. Our ultimate goal should be giving all students and families this protection. I would urge lenders to consider looking at student loan debt forgiveness in the case of death or disability as the Federal Government does. This is also an area where the new Consumer Financial Protection Bureau could play a role, and that agency does not need to wait for an act of Congress.

I believe this is a common-sense bipartisan piece of legislation that deserves the support of this entire body.

I would like to thank Chairman MILLER and Chairman FRANK for bringing this important legislation to the floor.

I urge its passage.

HONORING KEN NORBIE

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mrs. BACHMANN. Madam Speaker, I rise today to honor Mr. Ken Norbie of St. Cloud, Minnesota for his contributions as ''Volunteer of the Year'' to St. Cloud Hospital.

Since 1990, Ken has logged in over 4,000 hours of volunteer time with Imaging Services, Mended Heart and Facility Tours. He has made a lasting impression on everyone at the hospital through his caring and compassionate manner. The traits, along with his dedication, make him a wonderful choice for the ''Volunteer of the Year'' award from St. Cloud Hospital.

Ken is truly a blessing to the patients, staff and faculty at St. Cloud Hospital, and I ask this body join me in recognizing the important contributions he has made to the hospital and the surrounding community.

MEDIA SHOW BIAS IN IMMIGRATION COVERAGE

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SMITH of Texas. Madam Speaker, the national media have shown a clear liberal bias in their coverage of immigration.

For example, The New York Times frequently give large amounts of coverage to small pro-amnesty protests, but they ignore or downplay big protests by conservative groups.

This week, The Times featured a 1200-word story about a rally of ''dozens'' in support of the DREAM Act, which would grant amnesty to millions of individuals.

Earlier this year, The Times covered pro-amnesty demonstrations with as few as four or five protesters.

The Times is not alone ire their biased coverage of immigration. By a margin of 12 to 1, the television networks featured more negative reports than positive reports about Arizona's immigration enforcement law; according to a Media Research Center analysis.

The national media should give Americans the facts, not advocate for a liberal, pro-amnesty agenda.

HONORING GEORGE AND PATTI LYNETT ON RECEIVING THE ATTORNEY ROBERT W. MUNLEY DISTINGUISHED SERVICE AWARD FROM LACKAWANNA PRO BONO

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. and Mrs. George and Patti Lynett on receiving the Attorney Robert. W. Munley Distinguished Service Award from Lackawanna Pro Bono.

Lackawanna Pro Bono is a non-profit organization established in 1997 to increase the availability of free legal representation for low-income individuals and families throughout Lackawanna County.

Over the past 13 years they have organized local attorneys to volunteer their time to provide representation in over 2,000 cases, and in the process have helped nearly 5,000 residents of Northeastern Pennsylvania.

Lackawanna Pro Bono will host its second annual Fundraising Gala on October 21, 2010 in Scranton, Pennsylvania. For the second year, Lackawanna Pro Bono will honor a select number of individuals and organizations who have demonstrated excellent service to the community with its Attorney Robert W. Munley Distinguished Service Award.

This year's group of deserving recipients includes Mr. and Mrs. George and Patti Lynett of Scranton.

George Lynett graduated from Scranton Preparatory School before attending Holy Cross College. After graduation from Holy Cross, he received his MBA from The University of Scranton before attending Georgetown University Law Center. He is the former publisher of the Times-Tribune and chief executive officer of Times-Shamrock Communications.

Patti Lynett graduated from St. Paul High School before attending Marywood University. From 1982 to 1992 she was the co-owner of Helen Schwartz Gifts.

Over the past few decades, Mr. and Mrs. Lynett have been involved with numerous organizations throughout the community.

Mr. Lynett has served as chairman of the Greater Scranton Chamber of Commerce, Scranton Preparatory School, the Pennsylvania Newspaper Foundation, Allied Services, Marywood University and the Scranton Area Foundation.

Mrs. Lynett has served as chair of the board of the United Way of Lackawanna and Wayne Counties, and as a board member of Scranton Preparatory School, Marywood University, NEPA Philharmonic, St. Joseph's Center, and Catholic Social Services. She is currently a board member of Moses Taylor Hospital and the Physicians Health Alliance.

Together, Mr. and Mrs. Lynett chaired the United Way Drive of Lackawanna and Wayne Counties in 2009.

Mr. and Mrs. Lynett currently reside in Scranton. They are the parents of four children, Sheila, George, Jimmy, and Sharon.

Madam Speaker, please join me in recognizing George and Patti Lynett. Together they have improved the lives of a countless number of residents of Northeastern Pennsylvania.

HONORING JEAN-LUC TIERNEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Jean-Luc Tierney. Jean-Luc is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 394, and earning the most prestigious award of Eagle Scout.

Jean-Luc has been very active with his troop, participating in many scout activities. Over the many years Jean-Luc 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, Jean-Luc has contributed to his community through his Eagle Scout project. Jean-Luc constructed two outdoor picnic tables to be used by his high school teachers.

Madam Speaker, I proudly ask you to join me in commending Jean-Luc Tierney for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CHRISTOPHER BRYSKI STUDENT LOAN PROTECTION ACT

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 5458, which would help families avoid financial uncertainty by requiring banks providing student loans to inform borrowers and cosigners of their obligations in case of incapacity or death; to define those terms in a standard way; and to discuss the option of credit insurance, which helps pay off debt in the event of death.

I want to thank my colleague, Congressman JOHN H. ADLER, for introducing this legislation. I would also like to express my deepest condolences to the family of Christopher Bryski.

Mr. Speaker, the Bryskis are hardworking people who in 2006 lost their son Christopher in a recreational accident, a tragedy no parent should ever have to endure and certainly one that the Bryskis could never have anticipated. In the midst of this tragedy, the Bryskis were unexpectedly burdened with Christopher's remaining student loan debt. As they soon found

out, co-signers are often obliged to pay off the balance of private student loans in the instance of such tragedies, a requirement that is typically not included in federal loans. This bill would protect families like the Bryskis, including many of the families in my district, which contains three community colleges and five universities.

From 2007–08, 13 percent of students attending four-year public colleges or universities and 26.2 percent of those attending private four-year institutions had private student loans. The SLM Corporation, the major private loan provider commonly known as Sallie Mae, estimates that 84 percent of private student loans involve cosigners. These statistics make clear the need for private loan companies to thoroughly educate the students and families to whom they provide aid. This is the best way to ensure that American families are adequately equipped to manage their loans under any circumstances.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 5458 and recognizing the immense burden that may befall millions of families across the nation if Congress does not act.

HONORING SEPTEMBER AS NATIONAL RICE MONTH

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. POE of Texas. Madam Speaker, I rise today to recognize the 20th anniversary of the annual September celebration of the harvest of rice in the United States.

For centuries, rice has been the primary food staple for over half of the world's population. Today, the United States and countries around the world still enjoy rice as a dietary staple, but also as the foundation for many dishes and side dishes. Rice is enjoyed as part of cereal, flour, bran, cooking oil, rice cakes and many other snacks.

Rice production has and continues to be a significant source of revenue for the American economy. In fact, rice production in the United States dates back to 1685 and is one of the oldest agribusinesses in the United States. Rice continues to be produced in force by 10,500 rice farmers in the States of Arkansas, California, Louisiana, Mississippi, Missouri, and in my home State of Texas. In fact, I am proud to have 45 active rice farmers working on 20,000 acres of rice fields in the district that I represent—the most of any Congressional district in Texas. In Texas alone, the rice industry has created 2,700 jobs and $1.6 billion in total economic activity.

Rice farming is of critical importance to the economy of my district and to the southern United States. In 2009, rice farmers in the U.S. produced nearly 22 billion pounds of rice that had a farm gate value of more than $3 billion. Subsequent sales of rice generated $17.5 billion in total value added to the U.S economy. This activity contributed 127,000 jobs to the U.S. labor force in 2009. Additionally, the U.S. is one of the largest exporters of rice and produces more than two percent of the world's rice supply, feeding millions around the world.

I am proud to represent the rice farmers of the second district of Texas, and to recognize their achievements during National Rice Month.

And that's just the way it is.

PAYING TRIBUTE TO TRI-COUNTY SINGLE-STREAM RECYCLING FACILITY BROWN, OUTAGAMIE, AND WINNEBAGO COUNTIES, WISCONSIN

HON. STEVE KAGEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KAGEN. Madam Speaker, I rise here today to pay tribute to the Tri-County Single-Stream Recycling Facility, located in Little Chute Wisconsin, on the occasion of its winning the Solid Waste Association of North America's Gold Award for Excellence.

Each year, the Association recognizes the best recycling facility in North America. I ask my colleagues to join me in honoring Tri-County, which serves Brown, Outagamie and Winnebago Counties, in recognition of its accomplishment.

I was honored to have participated in the Recycling Center's grand opening in 2009. I am proud to report that since then, the facility has achieved its annual goal of collecting 48,000 tons of material, while also managing to come in under budget.

The operation allows three counties to process glass, aluminum, paper and plastic without requiring any pre-sorting. This convenience to consumers enhances public participation and expands the overall reach of the projects. The spirit of cooperation between the participating counties has spurred its success and fueled discussions of expansion.

Special commendation should be made to Outagamie director of solid waste Phillip Stecker, Brown County solid waste director Chuck Larscheid, and Winnebago Solid Waste Management board chairman Patrick O'Brien for their exemplary stewardship.

Madam Speaker, the Tri-County Recycling Center has greatly improved the energy efficiency and environmental health of Northeast Wisconsin, and the Gold Award for Recycling Excellence is very well-deserved. I ask my colleagues to join me in saluting Tri-County's contributions to our society and our environment.

HONORING TREE FRESNO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Tree Fresno upon celebrating its 25th anniversary. The organization's anniversary was celebrated on Friday, September 24, 2010 in Fresno, California.

Since its inception in 1985, Tree Fresno has been involved in the planting of more than thirty-seven thousand trees on public land in and around the Fresno area. The organization has promoted youth environmental awareness and leadership by encouraging student participation in tree planting projects. Through the creation of the Junior Tree Fresno board of directors, the youth in the community have an opportunity to learn leadership and environmental stewardship skills. Tree Fresno provides tree education programs for citizens of all ages, creating an opportunity for volunteers to become actively involved with civic improvement projects.

By planting and maintaining trees, Tree Fresno is creating an improved urban forest in Fresno County where homes and parks are shaded, the air is cleaner and the beauty of the city is enhanced. Tree Fresno has planted trees along streets, trails, public parks and school campuses. Through the formation of community coalitions, Tree Fresno has been able to restore the natural oak forest along a major road by planting over fourteen hundred native oak seedlings. Through advocacy and beautification efforts, Tree Fresno has established itself as a leading organization in the community, dedicated to the improvement of the urban forest and overall quality of life for our community.

Madam Speaker, I rise today to commend and congratulate Tree Fresno upon 25 years of service to Fresno County and the surrounding communities. I invite my colleagues to join me in wishing Tree Fresno many years of continued success.

HONORING THE SCRANTON AREA FOUNDATION ON RECEIVING THE ATTORNEY ROBERT W. MUNLEY DISTINGUISHED SERVICE AWARD FROM LACKAWANNA PRO BONO

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Scranton Area Foundation on receiving the Attorney Robert W. Munley Distinguished Service Award from Lackawanna Pro Bono.

Lackawanna Pro Bono is a non-profit organization established in 1997 to increase the availability of free legal representation for low-income individuals and families throughout Lackawanna County.

Over the past 13 years they have organized local attorneys to volunteer their time to provide representation in over 2,000 cases, and in the process have helped nearly 5,000 residents of Northeastern Pennsylvania.

Lackawanna Pro Bono will host its second annual Fundraising Gala on October 21, 2010 in Scranton, Pennsylvania. For the second year, Lackawanna Pro Bono will honor a select number of individuals and organizations who have demonstrated excellent service to the community with its Attorney Robert W. Munley Distinguished Service Award.

This year's group of deserving recipients includes the Scranton Area Foundation.

The Scranton Area Foundation was initially formed in 1954 as a private foundation. In 1988, the Foundation qualified as a charitable non-profit organization and transitioned into a public community foundation.

The Scranton Area Foundation's mission is to ''meet a wide variety of education, cultural, human service, and other charitable needs through Lackawanna County.''

To achieve this goal, the Foundation coordinates charitable giving throughout the Scranton area and Lackawanna County by encouraging and facilitating local philanthropy and matching donations to the community's greatest areas of need.

The Foundation educates donors on the different mechanisms of charitable giving and works with them to maximize the effectiveness of their donations.

Then, the Foundation's staff directs the donations to the community's arts and culture, economic development, education, environmental, health, and recreational needs.

Since its inception, the Foundation has awarded over $8 million in grants throughout the Scranton area and Lackawanna County.

Madam Speaker, please join me in honoring the Scranton Area Foundation on being recognized as a valued asset of Northeastern Pennsylvania. In the years ahead I am confident they will continue to make positive impacts in the growth of our region.

HONORING STEPHEN LACINA

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Stephen Lacina. Stephen is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 394, and earning the most prestigious award of Eagle Scout.

Stephen has been very active with his troop, participating in many scout activities. Over the many years Stephen 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, Stephen has contributed to his community through his Eagle Scout project. Stephen designed and placed landscaping the Veteran's War Memorial in Dearborn, Missouri.

Madam Speaker, I proudly ask you to join me in commending Stephen Lacina for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING DR. CHARLES E. WARNER FOR A LIFETIME OF SERVICE AS AN EDUCATOR

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. DELAURO. Madam Speaker, in honor of his retirement, I rise to commemorate decades of hard work and commitment to the young people of Connecticut by Dr. Charles E. Warner, an esteemed educator in our New Haven community.

In a long career as a teacher and administrator, beginning in nearby Bridgeport in 1971 and culminating with his tenure as the director of instruction and director of special programs for New Haven's public schools, Chuck has worked tirelessly to ensure that each and every child in his purview has access to the tools they need to thrive. Day in and day out, Chuck has fought for the kids and the teachers in our community, and to make New Haven's schools the best they can be.

For his achievements in education, Chuck has been nationally recognized many times over, including appearing in publications such as Parents Magazine and serving on the advisory board of the National Middle School Association. And his good works have not been confined to the school day. Chuck has been an engaged participant in community affairs and has volunteered his time and effort in any number of ways, including, most recently, serving as Connecticut's After School Alliance ambassador over this past year—one of only thirty in the Nation—for his contributions to afterschool programs.

Along with teaching and, of course, his wife Regina, Chuck's great passion has been music. And from his very first teaching job at East Side Middle School in Bridgeport, where he led a band of over two hundred students, to his 20 years of service as a Minister of Music for the Dixwell Avenue Congregational Church's Sanctuary Choir, Chuck has enriched our community by sharing this love with us.

As an educator and public citizen, Chuck has been a credit to our city, to our State, and to our Nation, and he has improved the lives of countless New Haven children for the better. I congratulate him, Regina, and their children Alexis, Charles Jr., and Bryon on his retirement, and I thank him for his decades of service to our community. Congratulations, Chuck. You have earned it.

HONORING MRS. LEOTA DENICO SEWARD

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MICHAUD. Madam Speaker, I rise today to honor Leota Denico Seaward on her 100th birthday and congratulate her on being awarded the Boston Post Cane.

Leota was born in Vassalboro on October 6, 1910 and grew up in South China, Maine. After graduating Erskine Academy as class salutatorian in 1929, she married Elmer Wilson Seaward, and the two started a large farm in Turner.

Despite taking on the challenge of running a farm during the Great Depression, the Seawards never forgot the less fortunate and were able to provide a large portion of meat and vegetables for the community. Leota and George were well known for their caring nature during those tough times, often taking in the homeless and providing them with food and work.

Throughout her life, Leota has remained active in the community, taking jobs in the local rug shop, hatchery and post office, all while raising four children. She remains fiercely independent, not relinquishing her driver's license until she was 98 years old and living on her own until last year. This year, Leota, surrounded by fifty members of her family spanning five generations, participated in the 4th of July parade.

Mrs. Seaward will be celebrating this historic moment with her daughter, Bunny Gilbert, who shares the same birthday and will be turning 80. I wish Leota the happiest of birthdays, surrounded by all her friends and loved ones.

Madam Speaker, please join me in congratulating Leota Denico Seaward on her new status as a Centenarian.

HONORING BISHOP-ELECT REVEREND URUNDI B. KNOX

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KILDEE. Madam Speaker, I rise today to honor Bishop-Elect Reverend Urundi B. Knox. Bishop-Elect will be ordained and consecrated as a Bishop at a service to be held on Friday, October 1 at Ebenezer Ministries in Burton, Michigan.

Bishop-Elect Knox graduated from Flint Central High School in 1981. He earned an Associate's Degree from Mott Community College, and a Bachelor of Applied Science from the University of Michigan. He received a Master of Arts from Eastern Michigan University and completed his doctoral studies at Wayne State University in 1996.

During this time he was teaching at Mott Community College and Detroit College of Business. In September, 1993 he became a full-time professor at Mott Community College. Bishop-Elect Knox served as assistant pastor at Ebenezer Missionary Baptist Church until the retirement of Pastor Clarence Knox in September 1994. Bishop-Elect Knox succeeded his father and became the pastor. In a testament to his leadership, the congregation has grown to over 1000 members and a new sanctuary was erected two years later.

Bishop-Elect Knox saw the need for spiritual and temporal guidance in the community and he embarked upon the ''Take Back the City Crusade'' providing worship services and feeding the hungry in downtown Flint. Drawing inspiration from 1 Samuel 7:12 ''Then Samuel took a stone, and set it between Mizpeh and Shen, and called the name of it Eben-ezer saying, Hitherto hath the Lord helped us'' Bishop-Elect Knox decided to change the name of the church to Ebenezer Ministries reflect the mission of reaching out to those in need. Because of his work in the community, Bishop-Elect Knox has been recognized numerous times as one of the unsung gems in the Flint area.

Madam Speaker, I am honored to ask the House of Representatives to rise with me and applaud the work of Bishop-Elect Urundi Knox. He has inspired his congregation with a zeal for spreading the Gospel of Our Lord Jesus Christ and I congratulate him as he is consecrated a Bishop. I pray that he will continue his work with love, enthusiasm, and determination for many, many years to come.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2010

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. RICHARDSON. Mr. Speaker, as a member of the Committee on Transportation and Infrastructure, I rise today in strong support of H.R. 4714, the National Transportation Safety Board Reauthorization Act of 2010. This legislation authorizes appropriations for the National Transportation Safety Board (NTSB) to conduct investigations necessary to determine the causes of transportation incidents and accidents. H.R. 4714 also clarifies the NTSB's authority to investigate incidents and calls for a collaborative effort between NTSB and the U.S. Coast Guard when investigating major maritime accidents. Further, H.R. 4714 provides the NTSB resources needed to improve safety regulations.

I thank Chairman OBERSTAR for his dedication and skillful leadership in guiding this bill to the floor.

Mr. Speaker, H.R. 4714 will also confer upon the NTSB the authority to make essential safety recommendations when NTSB investigators identify a need for immediate safety improvements. Such authority has long been enjoyed by other international accident-investigation agencies.

This legislation benefits the 37th Congressional District of California, which I am privileged to represent. Improvements in transportation safety—whether for automobiles, airplanes, or ships—disproportionately affect my district, which is one of the most transportation-intensive in the nation. Within my district or on its borders lie five major freeways, three airports, and the largest port complex in the country. H.R. 4714 improves the safety of my constituents when they are traveling, commuting, and working.

I urge my colleagues to join me in supporting H.R. 4714.

HONORING TOWNSHIP OF DENVILLE'S ANNUAL SRI LANKA DAY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Township of Denville's Annual Sri Lanka Day, which celebrated its 35th annual festival this summer.

Beginning in 1975 with around 300 families in attendance, Denville's Sri Lanka Day has grown into one of the largest events of its kind, attracting close to 2,000 families. Sri Lankans come from beyond the tri-state area, with some coming from as far away as Canada to attend the event.

The Sri Lanka Day festival started as a vision of Jay Liyanage, a Sri Lanka native who resides in Denville, and would not be possible without the outstanding support of the Denville Rotary Club and the Sri Lanka Association of New York.

The festival is a beautiful display of Sri Lankan culture. In addition to offerings of cultural foods, music and clothing, the event features many sporting events. The highlights this year were the cricket matches between the Sri Lanka Association of New York and the Sri Lanka Association of Washington, D.C., as well as a match between an all-Sri Lankan team and an all-Denville team. For the second consecutive year the Sri Lanka Medical Association of North America generously ran a free medical clinic. Organizers credit the cricket matches, health clinic and the ending of the long civil war that occurred over the past 25 years in Sri Lanka for the large increase in attendance over the past few years.

The festival theme of "togetherness" is always exhibited at Sri Lanka Day where people from all walks of life come together to celebrate the Sri Lankan culture.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Township of Denville's annual Sri Lanka Day for hosting their 35th Celebration.

HONORING CHRISTOPHER LEE ST. CLAIR

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Christopher Lee St. Clair. Chris is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 175, and earning the most prestigious award of Eagle Scout.

Chris has been very active with his troop, participating in many scout activities. Over the many years Chris 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, Chris has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Christopher Lee St. Clair for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING JUDGE JOHN SCOTT AS AN ANGEL IN ADOPTION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BOOZMAN. Madam Speaker, I would like to recognize Judge John Scott for his outstanding advocacy of adoption. He is a selfless crusader for children who need a loving home, helping the dream of a family become a reality. Since becoming 19th West Judicial District Circuit Judge in 2001, Judge Scott has heard 578 adoption cases and says successful adoption cases are some of the most rewarding and enjoyable work that he does because the result is a stable and loving environment.

Judge Scott is truly an advocate for adoption, creating a warm and comfortable environment for the adoptive parents, their attorneys and most importantly, the children. Judge Scott has positively influenced many lives through the adoption process and he has helped loving parents bring home deserving children. He is to be commended for his many years of service and passion to placing children in loving homes.

Because of his efforts, I nominated Judge Scott as an Angel for The Angels in Adoption™ program. This program honors outstanding individuals who are dedicated to helping children find permanent, safe and loving homes. Judge Scott is well deserving of this honor and I ask my colleagues to join me in recognizing his service, dedication and efforts to making adoption possible.

HONORING ANN MANRY RYNEARSON

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CARNAHAN. Madam Speaker, I rise today to honor Ann Manry Rynearson, recently retired Sr. Vice President for Culture and Community at the International Institute.

Ann has spent the bulk of her career building bridges across the increasingly diverse cultures of St. Louis. Most notably, Ann co-founded both the International Folkfest, which was held annually from 1992 to 2004, and the Festival of Nations, which is now in its 11th year.

Ann has focused on the arts in building those cross-cultural bridges. Even though she spent three years directing the Festival of Nations, she is actually best known as the Arts Director of both International Folkfest and Festival of Nations.

Her goal has always been to present the very best art forms of each culture. She has worked to seek out or develop artists and performers who represent their own cultural heritages. Over the years, Ann has spent countless hours attending arts events around our region. By doing so, she was able to identify new and emerging ethnic talent to invite to the Institute's festivals.

Ann's contributions to the ethnic arts and to cultural preservation have extended beyond the Institute's annual and truly spectacular festivals. She has organized mini-festivals around town, art exhibits, and built an extensive database of artists to share with other organizations seeking talent for their programs. She is beloved by so many in our ethnic communities who have been her colleagues, partners, and even her students when she taught English classes at the Institute in her early career.

Therefore, it is with great pleasure today that I formally recognize Ann's achievements in front of an audience that is benefiting from her dedication to the mission of sharing the very best of our community's ethnic arts. Ann has established relationships with ethnic artists and their communities that will ensure the festival's continued success and that will continue to build and reinforce bridges of cross-cultural understanding in our community for many years to come.

IN RECOGNITION OF 2010 NATIONAL BLUE RIBBON SCHOOLS FROM THE 12TH CONGRESSIONAL DISTRICT

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CRITZ. Madam Speaker, I rise today to recognize both Conemaugh Township Area Intermediate School and Wylandville Elementary School for being selected as two of this year's 2010 National Blue Ribbon Schools. This announcement was made by U.S. Secretary of Education Arne Duncan on September 9, 2010.

The U.S. Department of Education selected 304 schools nationwide to receive this year's honor, including 14 schools in Pennsylvania. I'm proud to announce that two of these schools were from the district that I represent.

Conemaugh Township Area Intermediate School is located in Johnstown, Pennsylvania, and is the home of over 350 elementary students. Wylandville Elementary School, a member of the Canon-McMillan School District, serves a population of approximately 200 students in North Strabane Township, near Eighty Four, Pennsylvania.

Beginning in 1982, the Blue Ribbon Schools Program has honored public and private schools that are models of both excellence and equity. The Award is granted to schools that are either high performing, or have improved student achievement to high levels, particularly among disadvantaged children.

These two schools are outstanding examples of how hard work and commitment can pay off in achieving these criteria. Both of these schools recognize the importance of achievement, and the need to ensure that students have the resources to learn and to succeed. I appreciate the efforts of Conemaugh Township Area Intermediate School and Wylandville Elementary School in teaching our children to recognize their full potential, and equally important, providing them with the tools they need to achieve success in life.

Madam Speaker, I conclude my remarks by congratulating these schools on their exceptional dedication and passion for helping our students succeed. I wish them well as they continue to inspire our young scholars.

HONORING THE VETERANS OF FOREIGN WARS HARLANDALE MEMORIAL POST 4815

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. RODRIGUEZ. Madam Speaker, I rise today in recognition of 15 years of dedicated community service by the Veterans of Foreign Wars Harlandale Memorial Post 4815 and Post Commander Edward C. Torres. This San Antonio-based non-profit organization has and continues to serve its dedicated senior citizen community.

VFW organizations have a respected reputation for not only serving their fellow community veterans but also the community as a whole. Annually, on average, the VFW and its supporters contribute more than 13 million hours of volunteerism within their respective communities. With a history dating back to over 110 years ago, the Veterans of Foreign Wars organization and their auxiliaries live up to its mission ''to honor the dead by helping the living.''

The Harlandale Memorial VFW Post 4815 and Ladies Auxiliary continues to follow this noble tradition. For the past 15 years, this post hosts the areas senior citizens every third Friday of the month. They offer these respected members of their community the opportunity to engage and interact with others while at the same time providing a safe and entertaining place to gather. They prepare and serve both a continental breakfast and hot, full course lunch to those in attendance and provide free entertainment in the way of bingo games with prize-giveaways. They also host seminars regarding community and safety information which are not likely as readily available elsewhere to these residents. The particular groups in attendance are generally from two area nursing homes so this provides one of the few occasions they have to leave their residences. This one, special day allows a luxury these people may not know otherwise. It is fun, entertainment, and a chance to socialize outside of their daily set.

Under the leadership of Commander Edward C. Torres, the Harlandale Memorial VFW Post 4815 and Ladies Auxiliary are an integral part of their community. They provide a precious service to oft time overlooked citizens which help to not only enrich and strengthen community bonds but to enrich and strengthen lives.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize Commander Edward C. Torres and the Harlandale Memorial Veterans of Foreign Wars Post 4815 for their hard work and excellence in service to their community.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2010

SPEECH OF

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. MICA. Mr. Speaker, I want to thank Chairman OBERSTAR, Chairman COSTELLO and Ranking Member PETRI for their bipartisan work on this important legislation. While there are several issues that we would like to continue working on in conference, I support H.R. 4714 as amended.

U.S. commercial aviation is the safest in the world. U.S. aviation law and safety regulations are the international gold standard. The National Transportation Safety Board (NTSB) can join the Federal Aviation Administration (FAA) in taking credit for the safety record.

The NTSB has done an excellent job with the resources and authority they currently have. In fact, the number of commercial aviation accidents has steadily dropped over the last several decades. The three-year average commercial aviation accident rate is now .018 accidents per 100,000 departures.

But there is always room for improvement—one accident is one too many, as was tragically demonstrated by the February 2009 Colgan accident.

Even though it has no regulatory authority, the NTSB has a unique role in transportation safety.

The NTSB investigates accidents and makes recommendations to improve transportation safety with over 82 percent of their recommendations being adopted by the Department of Transportation. NTSB certainly shares in the credit for the safety improvements achieved.

H.R. 4714 as amended, would authorize the NTSB for four years—2011 through 2014.

While we are very supportive of the NTSB and its mission, given the current state of the U.S. economy and the Federal budget, we remain concerned with the authorization levels included in both the introduced bill and the amended bill being considered today.

It has been pointed out that during the 107th and 108th Congresses—when Republicans were in the Majority—we supported NTSB funding for 479 full-time equivalent employees.

It is important to note that these bills were considered well before the recession and the current Federal budget deficit in excess of $1.3 trillion. According to the Congressional Budget Office, ''Relative to the size of the economy, this year's deficit is expected to be the second largest shortfall in the past 65 years: At 9.1 percent of gross domestic product (GDP), it is exceeded only by last year's deficit of 9.9 percent of GDP.''

At a time of high Federal deficits, budget constraints, and belt tightening by American tax payers, we are concerned with the overall 27% increase in NTSB funding over 4 years and the 10% increase in NTSB authorization levels from 2010 to 2011.

The President's budget request for the NTSB in FY2011 was $100.4 million, a level the NTSB itself supports. We believe that this level is the proper starting point.

The NTSB has been very successful in carrying out its mission with staffing levels at the 380 FTE level.

We look forward to continuing to work with our colleagues to reach agreement on the appropriate authorization levels as consideration of the bill moves forward.

H.R. 4714 expands the workload of the Board and would duplicate reviews of other agencies with respect to transportation ''incidents''.

The FAA and other DOT modal agencies conduct accident investigations and have numerous programs in place to collect information and address safety concerns. The NTSB and these agencies need to better coordinate to avoid duplicative investigations and to ensure the best and most efficient use of scarce resources.

The inclusion of ''incidents'' in NTSB's investigative authority will require close Congressional oversight to ensure that the regulatory authority of the Department of Transportation is not negatively impacted.

So, we do have some remaining concerns and we will work with our colleague to address these concerns as we move forward. But given the importance of the NTSB's mission, I support this bill and urge Members to vote for its passage.

HONORING THE WALL THAT HEALS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GRAVES of Missouri. Madam Speaker, it is with great pride that I recognize the legacy of the Vietnam War veterans from the state of Missouri through The Wall That Heals which will be displayed in the City of Blue Springs from September 30th to October 3rd.

The Wall That Heals is a mobile, half-scale replica of the Vietnam Veterans Memorial located here in Washington, D.C. and has been seen by millions of people in more than 300 cities and towns throughout the U.S. The exhibit was first inaugurated on Veterans Day, 1996 by the Vietnam Veterans Memorial Fund and offers the opportunity for those who lost their lives in the Vietnam War to be honored by family and friends in their respective communities.

I would like to thank Mayor Carson Ross, the Blue Spring City Council, local business leaders, and all the volunteers who dedicated great effort to bringing this distinct honor to Missouri. The traveling exhibition will allow veterans, families and friends in our community to honor our local heroes who served and made the ultimate sacrifice.

Madam Speaker, the dedication and service these men and women gave in the name of freedom in Vietnam is humbling, and it is an honor to represent them in Congress. I ask my colleagues to join me in saying thank you to the Vietnam Veterans Memorial fund for commissioning this monument and to encourage more cities and towns to sponsor this exhibit honoring our veterans.

CONGRATULATING THE DESERT BOTANICAL GARDEN

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MITCHELL. Madam Speaker, I rise today to congratulate the Desert Botanical Garden on being awarded accreditation by the American Association of Museums, which is the highest recognition of a museum's commitment to public service, professional standards, and excellence in education.

A small group of passionate, local citizens started the Desert Botanical Garden in the 1930s when they saw the need to conserve their unique desert environment. The Garden, which is now located on 145 acres in Phoenix, has emerged as an Arizona treasure. The Garden boasts more than 50,000 plants, 1,100 volunteers, and 640,529 attendees every year.

Since the Garden's beginning, it has been steadfast in its commitment to advance excellence in education, research, exhibition and conservation of desert plants of the world, with emphasis on the southwestern United States. For more than 70 years, it has been teaching and inspiring visitors from around the world to help them understand, appreciate and preserve the desert's natural beauty.

The Garden now joins an impressive group of 778 institutions currently accredited by the American Association of Museums, which includes only those museums that have demonstrated a firm commitment to providing outstanding programming and experiences to the public while also meeting the highest standards of collections care. In fact, it is 1 of only 44 botanical gardens accredited by the association.

Madam Speaker, please join me in recognizing and congratulating the Desert Botanical Garden for its impressive and unique contribution to Arizona.

A TRIBUTE IN RECOGNITION OF THE 125 YEAR ANNIVERSARY OF GOOD SAMARITAN HOSPITAL, LOS ANGELES

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the 125th anniversary of Good Samaritan Hospital located in Downtown Los Angeles in my congressional district.

Since 1885, when the hospital was founded as a 9-bed infirmary by Sister Mary Wood, the hospital has been fulfilling its mission to provide accessible, quality, cost-effective and compassionate health services to the community.

A year after its founding, the facility adopted its current-day name in tribute to a Good Samaritan—Mrs. Mark Severance—who donated $4,000 for the purchase of land for the construction of its first hospital building.

Today, Good Samaritan Hospital located at 616 South Witmer Street in Downtown Los Angeles is much more than a community hospital. With 408 licensed beds, the hospital has earned a reputation as a world-class academic medical center that is affiliated with the USC Keck School of Medicine.

For 4 years in a row, Good Samaritan has been recognized as ''One of America's 50 Best Hospitals'' by HealthGrades, Inc., the nation's leading independent health care ratings company. U.S. News & World Report also recognized Good Samaritan as one of ''America's Best Hospitals for Top Medical Care in 16 Specialties'' in 1998.

In addition to providing outstanding diagnostic, surgical and therapeutic care in a state-of-the-art setting, Good Samaritan supports eight Centers of Excellence that focus on advancing the science of medicine while providing outstanding patient care. The hospital's acclaimed oncology program, for example, offers the widest range of options for gynecological, breast, brain and prostate cancers.

Under the leadership of Charles T. Munger, head of the hospital's Board of Trustees, and Andrew B. Leeka, the hospital's president and chief executive officer, Good Samaritan admits approximately 17,000 patients annually (excluding births, which would add approximately 3,600 more to the total) and handles more than 93,500 outpatient visits. More than 7,500 surgeries are performed annually in 18 surgical suites.

Good Samaritan is also a sizeable employer in the community. The hospital employs more than 1,500 employees, including approximately 650 physicians and 550 nurses on its medical staff. Together, the medical staff and employees speak more than 54 languages and dialects, a direct reflection of the hospital's international reputation and diverse patient base.

The broad range of renowned medical services and programs at Good Samaritan include the Heart Institute, which offers a complete heart care program including invasive and non-invasive cardiology, electrophysiology and cardiothoracic surgery. The Neurosciences program features Gamma Knife Radiosurgery for brain tumors. The Orthopedic Institute combines many subspecialties together in one centralized location designed to take care of any orthopedic problem including serious injuries to the pelvis, hip and knees.

The hospital also offers specialized medical services that include a state-of-the-art Gastroenterology Program, Women's Health Services (obstetrics, gynecology, gynecologic-oncology, perinatology, neonatal intensive care, breast care and assisted reproductive services), Ophthalmologic care (including retinal surgery), Ear, Nose and Throat (ENT) treatment, comprehensive Oncology Services (including High-Dose Rate and IMRT treatment), the busiest Kidney Stone Service in the western U.S., and a Transfusion-Free Medicine & Surgery Center.

Other special services include housing accommodations for patients and families at the Weingart Guest House located on the hospital campus and specialized ground and air transport programs for critically ill cardiac and maternity patients. Plans are also underway for the completion of the hospital's new Medical Plaza & Outpatient Pavilion in 2012.

Good Samaritan also provides significant community outreach. In the last Community Benefit Plan update, the quantifiable costs to Good Samaritan Hospital for its community benefits activities totaled more than $21.4 million, including unreimbursed medical care, services to vulnerable populations, and funding for health research, education and training.

Madam Speaker, I have had the privilege of working closely with Good Samaritan Hospital over the years. I have seen firsthand the important role the hospital plays in improving the health of our communities and I am very proud to have a top-notch hospital such as Good Samaritan in my district.

I ask my colleagues to please join me in congratulating Good Samaritan on its 125th anniversary of serving the health care needs of families in our community and I extend to this world class medical facility, and all of the individuals who make it the success that it is today, many more years of healing, growth and innovation.

HONORING MR. JOHN N. WALSH, JR.

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. HIGGINS. Madam Speaker, I rise today to honor the life of John N. Walsh, Jr., who passed away recently at the age of 89.

As a child, Mr. Walsh was a student at Buffalo's School 64 and Nichols school. He later graduated from Phillips Academy in Andover, Mass., and continued on to Yale where he majored in history and played center field for the baseball team.

From 1942 to 1945, Mr. Walsh served in the Navy as an ensign on a sub chaser in the Pacific. He was at the invasion of Okinawa on April 1, 1945, the same day his wife gave birth to their first child. Mr. Walsh spent an additional seven years in the Navy before retiring as a lieutenant commander.

In addition to his lifelong work at Walsh Duffield Insurance, Mr. Walsh served on innumerable corporate and civic boards. He was the former director of National Fuel Gas and Tops Markets and was on the boards of both Marine Midland Bank and Buffalo Savings Bank. He was chairman of Buffalo's Chamber of Commerce committee and a critical leader in the work leading to the construction of Ralph Wilson Stadium. He also led campaigns to build Nichols School's hockey rink, its former science center, as well as other fundraising projects throughout western New York.

Mr. Walsh was president of the James H. Cummings Foundation board and held directorships at Hospice Buffalo, Millard Fillmore Hospital, and the YMCA. He was chairman of the boards of the Greater Buffalo Association of Insurance Agents, Nichols School, United Fund, Child and Family Services, NCCJ, AAA, Millard Fillmore Hospital, the Saturn Club, and the Bishops Lay Advisory Council.

A devout Catholic who was a member of Blessed Sacrament Church, Mr. Walsh was named to serve on numerous religious committees. He headed the Bishop's Lay Committee on behalf of Bishop James McNulty, the Schools Review Committee at the request of Bishop Edward Head, and was honored with a diocesan nomination and papal appointment as a Knight of St. Gregory and Knight Commander. Over his lifetime, Mr. Walsh had been recognized as a Buffalo News Outstanding Citizen and the Chamber of Commerce's Man of the Year. He held season tickets for both the Buffalo Bills and Sabres. With his family, Mr. Walsh received the United Way's Volunteer of the Year salute and the Seymour H. Knox Humanitarian Award.

Mr. Walsh was married to his wife, Sarah, on July 3, 1943. They recently celebrated their 67th wedding anniversary at their family vacation cottage on Georgian Bay, Ontario. In addition to his widow, he is survived by three sons, John N. III, Michael, and Theodore B. K. ''Barney''; a daughter, Sally Demaree ''Demi'' Walsh Ayres; three sisters, Eleanor Wertimer, Gerry Clauss, and Sheila Parizeau; and his brother, Edward.

John Walsh, Jr. was a World War II veteran, businessman, father, and proud western New Yorker. Madam Speaker, I was honored to know Jack Walsh and am honored to call members of his family my friends. I ask you to join me and our colleagues in honoring Jack's life and legacy, and to wish his family Godspeed in the days and weeks ahead.

CELEBRATING THE 20TH ANNIVERSARY OF GERMAN REUNIFICATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BURGESS. Madam Speaker, I rise today to commemorate the 20th anniversary of peaceful German Reunification.

With this anniversary celebration, we acknowledge the influences of the United States and its people, who have come to the aid of the people of Germany. From the Marshall Plan, to the Berlin Airlift, to the support that finally brought down the wall, the people of the United States have stood alongside the German people. From Presidents Truman and Kennedy, to Reagan and H. W. Bush, that support has not wavered.

In 2005 I was fortunate to have the opportunity to visit our wounded troops at Landstuhl Air Force Base in Germany. There I saw the remnants of the wall that were erected as a reminder of that time—and the triumphs of German Democracy over tyranny.

The United States has many ties to Germany which we celebrate, as well as the important impact the German heritage has had not only in the DFW Metroplex, but the State of Texas and the entire United States. These influences are found in many aspects of our culture, such as food, arts, and business, and for this, we are thankful.

This year we also recognize the 61st Anniversary of the Federal Republic of Germany.

Madam Speaker, it is with pride that I rise today to commemorate the 20th anniversary of German Reunification. Germany is an important ally to the United States, and we are thankful for their partnership.

IN HONOR OF TAIWAN'S NATIONAL DAY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MARCHANT. Madam Speaker, I rise today to congratulate the people of Taiwan on Republic of China's National Day.

In the last two years, Republic of China President Ma Ying-jeou has even further strengthened the ties between Taiwan and the United States. Taiwan has been reducing its trade surplus with the U.S. year after year and supporting our war against global terrorism. Taiwan's offer of humanitarian assistance to Iraq and Afghanistan has been generous and laudatory. I sincerely hope our mutual relations will continue to prosper as we are committed to the Taiwan Relations Act, TRA, the cornerstone of our mutual relations. In keeping with the spirit of the TRA, we must facilitate and complete our arms sale to Taiwan. Despite the reduction of tensions in the Taiwan Strait, the undeniable reality is that China still has over a thousand missiles deployed and aimed at Taiwan around the clock. Taiwan's need for defensive arms is greater than ever.

Madam Speaker, we should applaud Taiwan's recent rapprochement with its major adversary, the PRC. Yet, we should always remember a well-armed Taiwan is the best way to maintain the status quo across the Taiwan Strait. To safeguard Taiwan's security, the U.S., as a longtime friend of Taiwan, must continue to provide necessary defensive weapons to Taiwan. Furthermore, we should continue to advocate for the greater inclusion of Taiwan in international organizations. One good example will be for the International Civil Aviation Organization, ICAO, to accept Taiwan as an observer, following the model of the World Health Organization, which has invited Taiwan to be its observer for two consecutive years.

On the occasion of its National Day, I wish Taiwan even greater success in the future and appreciate the continued friendship of our two nations.

NATIONAL NEUROLOGICAL DISEASES SURVEILLANCE SYSTEM ACT OF 2010

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. VAN HOLLEN. Mr. Speaker, I am pleased to join my colleague, Rep. MICHAEL BURGESS, on this bipartisan legislation and I want to thank him for his leadership on this important issue. I also want to thank Chairman WAXMAN, Chairman PALLONE, Ranking Member BARTON, and Ranking Member SHIMKUS for their support.

Our staffs have worked long and hard in a bipartisan manner to get to this point today. I particularly want to recognize Ray Thorn on my staff, Anne Morris on the Committee staff, and JP Paluskeiwisc on Rep. BURGESS' staff for their work on this legislation.

While thousands of Americans are affected by Multiple Sclerosis, Parkinson's, or other neurological diseases, very little accurate information exists to assist those who research, treat, and provide care to those suffering from these diseases. Accurate incidence and prevalence information is critical and needed to gain a better understanding of these diseases. This lack of information inhibits research, treatments, programs, and services.

In 2000, the Pew Environmental Health Commission, recommended that neurological diseases, such as Parkinson's and Multiple Sclerosis, be tracked by a national data system. Today, we take an important step implementing that recommendation by establishing a national neurological diseases surveillance system at CDC.

Quite simply, the National Neurological Diseases Surveillance System Act will help improve and enhance the infrastructure in tracking the incidence and prevalence on neurological diseases, including Multiple Sclerosis and Parkinson's disease. The information collected through this surveillance system will provide a foundation for evaluating and understanding many factors such as geographic clusters of diagnosis, variances in the gender ratio, disease burden, and changes in health care practices.

Mr. Speaker, this legislation represents an opportunity to move neurological disease research in a meaningful way that aims to improve the lives of all Americans suffering from Multiple Sclerosis, Parkinson's, or other neurological diseases.

I urge my colleagues to support this bipartisan bill.

GYNECOLOGIC CANCER EDUCATION AND AWARENESS ACT

SPEECH OF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. LEVIN. Mr. Speaker, I rise to urge the passage of H.R. 2941, to renew and enhance ''Johanna's Law'' to increase public awareness and knowledge of gynecological cancers. I am pleased to have introduced this important bill with Representatives DELAURO, ISSA, and BURTON.

Johanna's Law established a national public information campaign to educate women and health care providers about the risk factors and early warning signs of gynecologic cancers. This bill before the House carries on that important work by extending funding of Johanna's Law for 3 more years, from 2011 to 2014, and providing funds for demonstration projects to identify the most effective educational tools.

The law was named after Michigan resident Johanna Silver Gordon, a loving mother and dedicated public school teacher, who, despite visiting her doctor regularly, was blindsided by a late stage diagnosis of ovarian cancer, learning only after her diagnosis that the symptoms she had been experiencing were common symptoms of that disease. Tragically, Johanna lost her life to ovarian cancer 3½ years after being diagnosed.

Johanna's story is far too common. Although, it has been 10 years since Johanna Silver died of ovarian cancer, and 4 years since Congress passed this important legislation, each year over 71,000 women in U.S. are diagnosed with a gynecologic cancer and over 26,000 women are lost to one of these serious cancers. Many of those deaths could be prevented if more women knew and recognized the early symptoms of gynecologic cancers and received prompt treatment. For all gynecological cancers, early detection dramatically improves a woman's chance of survival. For instance, ovarian cancer causes more deaths in women than any other gynecological cancer; however, it has a 90 percent survival rate if detected in Stage One, but only a 20 percent survival rate if detected in Stage Three or Four.

Right now, awareness, education, early diagnosis, and treatment are the most effective weapons we have in our war against gynecological cancers. I urge my colleagues to support Johanna's Law so we can prevail in our battle against these terrible cancers that cut short the lives of our mothers, daughters, sisters, wives, partners and friends. I urge the House to join me in voting for this vital legislation.

GESTATIONAL DIABETES ACT OF 2010

SPEECH OF

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. ENGEL. Mr. Speaker, I am proud to stand here today as the sponsor of the Gestational Diabetes Act and urge my colleagues to support this important bipartisan legislation.

I would like to thank my colleague and an original sponsor of the legislation, Dr. BURGESS and his staff member, James Paluskiewicz for their efforts on behalf of this legislation. I would also like to thank the Committee staff who worked tirelessly to bring this bill to the floor today. Specifically, I would like to acknowledge Anne Morris of the Energy and Commerce Committee and Emily Gibbons of the Health subcommittee who is also a former member of my staff.

Madam Speaker, every single year 135,000 women in the United States are diagnosed with gestational diabetes. And, while gestational diabetes generally goes away after pregnancy, it can have significant health impacts upon both the mother and baby. In particular, women are at much higher risk of developing Type 2 diabetes in the future, and their children are at higher risk of obesity and/or the onset of Type 2 diabetes as adults.

This is why I introduced the GEDI Act. This bill aims to lower the incidence of gestational diabetes and prevent women afflicted with this condition and their children from developing Type 2 diabetes.

We need to have a greater understanding on how to prevent and treat this condition. There is currently an insufficient system for monitoring cases of gestational diabetes to uncover trends and target at risk populations. In addition, new therapies and interventions to detect, treat and slow the disease need to be identified. The GEDI Act will help us accomplish those goals.

This legislation is supported by the American Diabetes Association, the American Association of Colleges of Pharmacy, American Association of Diabetes Educators, the American Congress of Obstetricians and Gynecologists, the American Medical Women's Association, the Association of Women's Health, Obstetric and Neonatal Nurses, the International Community Health Services, and the Society for Women's Health Research.

The statistics surrounding diabetes are staggering, but we must always remember there is a human face behind every number, with far too many of them being pregnant women and their children.

Mr. Speaker, I urge my colleagues to vote in favor of this important legislation.

NEGLECTED INFECTIONS OF IMPOVERISHED AMERICANS ACT OF 2010

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong support of H.R. 5986, the Neglected Infections of Impoverished Americans Act of 2010.

H.R. 5986 would require HHS to submit a report to Congress on the current state of parasitic diseases that have been overlooked among the poorest Americans.

A 2008 study by the George Washington University and Sabin Vaccine Institute identified high prevalence rates of parasitic infections in the poorest areas of the United States and along our border regions.

Scientists estimate that there may be up to 100 million infections of the neglected diseases identified in our legislation including Chagas Disease, Cysticercosis, Toxocariasis, Toxoplasmosis, and Trichomoniasis and other neglected diseases of poverty in the United States.

These diseases and other neglected diseases of poverty collectively infect up to 1.7 billion people around the world, but they disproportionately affect minority and impoverished populations across the United States, producing effects ranging from asymptomatic infection to asthma-like symptoms, seizures, and death.

This study is especially important because these neglected diseases receive less financial support than they deserve. A mere $231,730 of research funding was allocated by NIH since 1995.

This discrepancy in funding is known as the ''10/90 gap''; a mere 10 percent of global health research funding is directed towards diseases affecting 90 percent of the global population.

The Neglected Infections of Impoverished Americans Act of 2010 would provide an up-to-date evaluation of the current dearth of knowledge regarding the epidemiology of these diseases and the socioeconomic, health and development impact they have on our society.

I'd like to thank Rep. HANK JOHNSON and Rep. GINGREY for their efforts on this legislation. This will mark the second time we've passed this legislation out of the House and I'm hopeful we can swiftly move it through the Senate.

I'd also like to thank Chairman WAXMAN, Chairman PALLONE, and Ranking Member BARTON for their efforts on this bipartisan legislation.

PROVIDING FOR CONCURRENCE WITH AMENDMENTS IN SENATE AMENDMENT TO H.R. 3619, COAST GUARD AUTHORIZATION ACT OF 2010

SPEECH OF

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. CUELLAR. Mr. Speaker, I rise in strong support of the Coast Guard Authorization Act of 2010, a bill to authorize the important activities and programs of the United States Coast Guard.

This comprehensive legislation includes new and enhanced port security programs that will help the Coast Guard protect and defend our nation's seaports, coastlines and waterways.

Since the September 11, 2001 terrorist attacks, the Coast Guard has assumed additional security-related responsibilities and has improved its port and maritime border security and readiness capabilities.

Accordingly, the bill includes a strong port security title that builds upon the Coast Guard's current initiatives to safeguard the public and protect vessels, harbors, ports, facilities, and cargo within the jurisdiction of the United States.

For example, the bill's expansion of rapidly deployable specialized forces will enhance the

Coast Guard's current ability to respond and operate effectively in a hazardous threat environment.

The bill also directs the Coast Guard to lead the effort to enforce security zones around vessels carrying certain hazardous cargos, such as liquefied natural gas, as well as to increase the number of detection canine teams responsible for maritime-related security.

As the Chair of the Subcommittee on Border, Maritime, and Global Counterterrorism, I am particularly pleased that this legislation includes strong provisions to protect our nation's maritime border.

The bill authorizes the America's Waterway Watch Program—a "see it, say it" maritime domain awareness program that encourages the reporting of suspicious activities on and around our waterways to the Coast Guard.

Additionally, it authorizes the Mobile Biometric Identification Program, a program that will enhance border security by providing the Coast Guard with state-of-the-art biometric technology to help identify individuals interdicted at sea.

The bill will require the Coast Guard to develop a comprehensive strategy to combat the illicit flow of narcotics, weapons, bulk cash and other contraband through the use of submersible and semi-submersible vessels.

Drug trafficking organizations are constructing these vessels for the purpose of bringing narcotics from South America to the United States, and their efforts are becoming increasingly sophisticated.

Even more troubling is the thought that such vessels could be used to smuggle terrorists or their weapons into our country.

The Coast Guard's development of a comprehensive strategy to detect and interdict these vessels will be a key component of our effort to defeat these drug trafficking organizations.

Our Nation demands more from the Coast Guard now than at any other time in the Service's over 200-year history.

During these challenging times, it is critical that we ensure that the Coast Guard has the resources necessary to fulfill its homeland security mission requirements.

Passage of H.R. 3619 will provide the Coast Guard with the long-term tools that are needed in this post-9/11 world. Therefore, I urge my colleagues to join me in giving this important resolution their full support.

HONORING MONTVILLE FIRE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Montville Fire Department located in the Township of Morris, Morris County, New Jersey as it celebrates its 100th Anniversary this year.

Established in 1910 as the Excelsior Fire Company by Mr. John Capstick, the Montville Fire Department has long been representative of bravery and generosity. In just their first year, the fire department boasted an impressive 29 volunteers. Their first drill was performed on September 24, 1910 with Horace Eagan as their chief. On October 1, 1910, thanks to the efforts of Mr. Capstick, the department was able to purchase their first vehicle: a horse-drawn hook and ladder truck. A few months later, on February 6, 1911, the volunteer firemen constructed their first firehouse with materials donated by Mr. Capstick. On November 6, 1911 the Township Committee took control of the fire department.

When John Capstick passed away in 1918, the department went through a period of financial instability. After reorganizing into different zones the fire department elected five fire commissioners on August 27, 1921. The fire department sold bonds in order to raise money to purchase its first motorized vehicle in 1922. The fire department participated in their first parade on June 3, 1931 as a part of the North Jersey Volunteer Firemen's Association Parade. The fire department upgraded in 1932 to the Buffalo fire truck which provided them with state of the art equipment, for that time period. Then, due to a generous donation by the Ladies Auxiliary, the Montville Fire Department was able to construct a new firehouse.

The 1950s saw two big expansions for the Montville Fire Department. First, in 1952 came the addition of two International 500 GPM high pressure pump trucks to their fleet. Three years later they established the Excelsior Fire Company No. 2 to better cover the hills of the Taylortown district. The Montville Fire Department eventually sold their famed Buffalo fire truck to a private company; however in 1976, the fire department repurchased and restored the vehicle. The Buffalo fire truck is still owned by the department and since the restoration project has received hundreds of trophies.

The Montville Fire Department has always been a leader in innovation. They were the first department in Northern New Jersey to win the National Fire Prevention Award. In 1957 the department was awarded for organizing one of the first Junior Fire Marshal programs in the Nation. They also were the first department to distribute reflectors to invalids and to spray Christmas trees with fire retardant.

Today, the Montville Fire Department boasts an impressive five fire trucks and responds to a wide array of emergencies. The success of volunteer fire departments such as this one is vital to the security of millions of Americans.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Montville Fire Department as they celebrate 100 years of committed service.

HONORING THE REOPENING OF THE YANKEE AIR MUSEUM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. DINGELL. Madam Speaker, I rise today to honor the Yankee Air Museum, a marvelous museum located in the 15th Congressional District, in celebration of its reopening. Originally created in 1981 for the purpose of preserving Willow Run's aviation history, Yankee Air Museum has acquired and restored an original U.S. Army Air Force hangar, as well as a B–24 Privateer. Over the years the Yankee Air Museum has come to serve as a reminder of our country's manufacturing might.

Since obtaining the B–24 in 1987, the Yankee Air Museum has acquired five planes from the World War II era that have since been restored to flying status, including a Douglas C–47, B–17 Flying Fortress, B–25 Mitchell, and two Taylorcraft L–2 Liaisons. The museum has also collected various retired aircraft, including a B–52 Stratofortress, in addition to various artifacts, including photographs, books and uniforms that preserve and display the aviation history of the State of Michigan.

Sadly, on October 9, 2004, the Yankee Air Museum suffered a fire that destroyed much of the history that the museum had sought to preserve. Historic artifacts, photos, books, as well as retired aircraft, were lost in the blaze. After 6 years of hard work by the Yankee Air Museum members, the museum is set to reopen on October 9, 2010, with three of their operational aircraft—the B–17, C–47 and B–25—in working condition. The reopening of the Museum will be followed by an Inaugural Gala and a public grand opening celebration.

I am proud of the Yankee Air Museum's many contributions to Michigan's 15th Congressional District and ask my colleagues to join me in congratulating the Museum on its inspirational reopening Celebration.

HONORING DR. THOMAS SVITKOVICH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Dr. Thomas Svitkovich on his retirement as Superintendent of the Genesee Intermediate School District. A reception in his honor will be held tonight in Flint Michigan.

Dr. Thomas Svitkovich has been an educator for 46 years, starting in 1964. He started as a mathematics teacher, and has served as a junior high principal, a high school assistant principal, a high school principal, an associate superintendent, a deputy superintendent, and as a superintendent. In his capacity as the GISD Superintendent, he led the development of the Genesee Early College, GISD's Transition Center for adult students with disabilities, the Genesee County Great Start Collaborative, the statewide Seat-Time Waiver, and implementation of shared-services programs with local school districts. Under his leadership, Genesee Intermediate School District has gained a reputation for excellence and has received numerous state and national awards, including in the areas of overall administration, technology, and distance learning. Dr. Svitkovich has shared his knowledge of the education field by writing articles, making presentations and advocating on both the state and national level.

An active member of the community, Dr. Svitkovich has strengthened the bonds between education and the community to better prepare students for their future role in our society. He has established strong relationships with non-profits, health and human services agencies and the business community.

Madam Speaker, I ask the House of Representatives to join me in congratulating Dr. Thomas Svitkovich on his retirement from the Genesee intermediate School District. I wish him the best in his future endeavors.

TO COMMEND DAVID PRATTIS BREWINGTON ON BEING AWARDED THE 2010 VETERAN'S AWARD BY THE NAACP-TALBOT COUNTY BRANCH

HON. FRANK KRATOVIL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KRATOVIL. Madam Speaker, I rise today to congratulate David Prattis Brewington, of Federalsburg, MD, on being awarded the 2010 Veteran's Award by the NAACP-Talbot County Branch. The presentation will be made on October 9, 2010, in Easton, MD, at the Freedom Fund Banquet.

Mr. Brewington was born May 25, 1925, in Federalsburg, MD, and has been a lifelong resident. He entered the United States Army in 1944 during World War II, after receiving an education in Caroline County public schools. As a member of the 3716 Quartermaster Truck Company in the 2nd Army, Mr. Brewington drove supplies and gasoline to the front lines via tractor trailers and tankers. He served in New Guinea, the Philippines and Japan.

After receiving an honorable discharge in 1946, Mr. Brewington returned to Federalsburg, MD, and became a long-distance truck driver for Service Trucking Co., where he worked for 22 years, as well as being elected as shop steward by his fellow Teamster Union members. He then started a small business as an owner-operator of dump trucks. After retiring from trucking, he started a second career for U-Star and Delmarva Community Transit in Easton, MD, as a van driver for senior citizens and the disabled. He celebrated his second retirement at the age of 82. He and his wife, Mary Henson Brewington, enjoy visiting their two daughters and grandchildren.

Mr. Brewington celebrated his 85th birthday this year. Throughout the past 47 years, he has served as an active and avid member of the Blake-Blackston American Legion Post 77. Having served as Commander, 1st Vice Commander and currently as Chaplain, Mr. Brewington exemplifies the drive and commitment our World War II veterans have exhibited in serving this great country.

I commend my constituent, David Prattis Brewington, on his many years of service and on his achievement of being named the recipient of the 2010 Veteran's Award by the NAACP-Talbot County Branch.

MEDICAL DEBT RELIEF ACT OF 2010

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 3421, the ''Medical Debt Relief Act of 2010,'' which would address the issue of medical debt and the crippling effect that such debt can have on an individual's credit report, even long after it has been paid off. This bill will right an injustice in the credit scoring industry that unfairly penalizes thousands of families across the country.

I thank Chairman FRANK for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congresswoman KILROY, for her attention to this important issue.

Mr. Speaker, in 2007, over 28 million Americans were contacted by debt collections agencies regarding medical debt. Unlike other forms of debt, however, individuals do not choose when to take on medical debt. The nature of serious illness is such that it often comes when we least expect it. Many people develop from low credit scores simply because they were forced to assume large amounts of medical debt when they did not expect it and were, thus, financially unprepared to do so. Unfortunately, these individuals' credit scores often remain low long after their debt has been paid off, and in some cases for the rest of their lives. This is an unfair penalty for individuals who have done nothing wrong.

H.R. 3421 will correct this problem by inserting a clause into the Fair Credit Reporting Act that to eliminate medical debt from credit reporting within 3o days of the debt being fully paid off. Credit reports are an important tool for leasers, lenders, and many other industries. This bill will ensure that credit reports reflect individuals' actual credit-worthiness, rather than providing an artificially low-score that is dragged down by medical debt from the past.

I urge my colleagues to join me in supporting this H.R. 3421.

IN REMEMBRANCE OF WILLIAM ''BILL'' MCFARLING OF LEWISVILLE, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BURGESS. Madam Speaker, I rise today to remember the life of Mr. William ''Bill'' McFarling of Lewisville, Texas, who passed away on September 15, 2010.

Bill was an active member of the Lewisville Bible Church, and his dedication to his community led him to co-found the Lewisville Football Association, helping to promote fellowship and sportsmanship to the area's youth. A respected member of the north Texas community, Bill also served as an active member of the Denton County Republican Party for over 35 years, receiving the organization's Volunteer of the Year Award.

Bill served as an advisor and mentor as I made the transition to public service late in my career, and I am thankful for his wise counsel and leadership.

As a member of the United States Army, Bill honorably served his country during the Korean conflict. His commitment to freedom and dedication to protecting his fellow citizens is honorable, and I am grateful for Bill's service to our country.

Madam Speaker, it is with great honor that I proudly rise to remember Bill McFarling, a model citizen and outstanding American. His legacy of service to the north Texas area and this great Nation is one of honor, and my thoughts and prayers go out to his friends and family. It is an honor to have represented such an exceptional individual from the 26th District of Texas in the United States House of Representatives.

HONORING MICHAEL JONES FOR HIS WORK TO COMPLETE THE YUMA ARMED FORCES PARK

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GRIJALVA. Madam Speaker, I rise today to honor Michael Jones of Yuma, Arizona.

Mr. Jones served his country in Vietnam, receiving two Purple Hearts as well as many other citations for his service. He is the Past Commander of the Yuma Chapter of the Military Order of the Purple Heart (MOPH). He was past National Vice President of the 173d Airborne Brigade as well as a committee member of the 173d Airborne Memorial Foundation serving in an advisory capacity for the construction of their memorial currently under construction in Ft. Benning, Georgia. He was also nominated for National Patriot of the Year for the MOPH.

In 2005, Mr. Jones responded to a plea for help from the Arizona Department of Veterans Services, the Military Affairs Committee and the Yuma County Chamber of Commerce in an effort to complete the Yuma Armed Forces Park. The construction of the park had been stopped for some time after completion of Phase I due to lack of funds, all of which were donated by the community through various fundraising events.

Mr. Jones had a lifetime of experience in all phases of construction. After learning of their dilemma and meeting with the different entities, it was determined that not only was there a lack of funds to complete the park, but the park could not be completed as planned. Mr. Jones took it upon himself to lead the community through this crisis by scheduling various fundraisers, stimulating plaque sales and donations and becoming the supervisor for the construction of the remainder of the park. This included supervision of volunteer workers, all of which were active duty or disabled veterans who were members of the Military Order of the Purple Heart Yuma Chapter 433.

Phase II of the park consisted of the construction of the amphitheater, and was the most difficult portion of the project. This phase involved a daily presence by Mr. Jones and members of the MOPH as well as the Ladies Auxiliary. These men and women, most of whom were 50–60 years of age, worked six and sometimes seven days a week to meet any deadline presented to them.

The project continued over 3½ years as funds became available through the various fundraisers, donations and plaque sales. Mr. Jones was a key player in these activities. Not only did Mr. Jones donate his time, he also donated thousands of dollars worth of tools and equipment to complete the park. He worked non-stop, making the park the most important task in his life, knowing that his fellow veterans needed to be recognized. During this time he put the completion of the park ahead of family health issues that in most cases would have been a priority.

Madam Speaker, Michael Jones was a leader when serving in Vietnam, and he continues to be in his civilian life. I want to thank him for his service to this country and to his community.

IN HONOR OF THE 50TH ANNIVERSARY OF THE DON GUANELLA VILLAGE

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SESTAK. Madam Speaker, on September 26th, 2010, in Springfield, Pennsylvania a ceremony marked the 50th anniversary of the Don Guanella Village. It is my personal honor to join the good people of Pennsylvania's 7th Congressional District in celebrating that event. The Blessed Luigi Guanella, founder of the Servants of Charity, said ''it is not human beings who erect charitable institutions and feed the poor. Providence does all.'' That sense of faith and humility has always been the hallmark of one of the most capable and caring organizations in the Commonwealth of Pennsylvania and our Nation.

My first hand knowledge of the good works performed at Don Guanella Village dates from my days as a student at Cardinal O'Hara High School over forty years ago. Then and now the staff at Don Guanella Village have been personal heroes to me and thousands of others throughout the Greater Delaware Valley. Every day of the year those remarkable men and women offer around the clock care to some of our society's most vulnerable souls. In so doing, they offer the residents and their families peace of mind they would not otherwise find.

A nation is not measured by how it cares for those blessed with health, wealth, and position. It is measured by how it cares for those challenged by a variety circumstances beyond their control. I ask that every member of this chamber pause and thank Superior General Alfonso Crippa and everyone who contributes to the vital work of Don Guanella Village. It is their countless acts of charity and goodness that help make ours a great nation under God.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 30, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 5

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

Judiciary

Constitution Subcommittee

To hold joint hearings to examine how the President can best use an expedited recession authority.

SD–342

OCTOBER 6

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs Information Technology (IT) program, focusing on looking ahead.

SR–418

OCTOBER 7

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine retirement security in America.

SD–430

NOVEMBER 17

10 a.m.

Environment and Public Works

To hold hearings to examine Water Resources Development Act of 2010, focusing on legislative and policy proposals to benefit the economy, create jobs, protect public safety and maintain America's water resources infrastructure.

SD–406

Daily Digest

HIGHLIGHTS

Senate passed H.R. 3081, Continuing Appropriations, as amended.

Senate agreed to H. Con. Res. 321, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S7671–S7780

Measures Introduced: Eighty-two bills and thirteen resolutions were introduced, as follows: S. 12–20, 3865–3937, S. Res. 663–673, and S. Con. Res. 73–74. **(See next issue.)**

Measures Reported:

Report to accompany S. 3243, To require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel. (S. Rept. No. 111–338)

Report to accompany H.R. 1345, to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the ''Hatch Act''. (S. Rept. No. 111–339)

Report to accompany S. 2847, to regulate the volume of audio on commercials. (S. Rept. No. 111–340)

S. 2862, to amend the Small Business Act to improve the Office of International Trade. (S. Rept. No. 111–341)

S. 2869, to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, with an amendment. (S. Rept. No. 111–342)

S. 2989, to improve the Small Business Act, with an amendment in the nature of a substitute. (S. Rept. No. 111–343)

H.R. 4543, to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the ''Anthony J. Cortese Post Office Building''.

H.R. 5341, 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''.

H.R. 5390, to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the ''David John Donafee Post Office Building''.

H.R. 5450, to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the ''Tom Bradley Post Office Building''.

S. 3794, to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies, with an amendment. **(See next issue.)**

Measures Passed:

Continuing Appropriations: By 69 yeas to 30 nays (Vote No. 247), Senate passed H.R. 3081, making continuing appropriations for fiscal year 2011, after agreeing to the motion to proceed, and taking action on the following amendments proposed thereto: **Pages S7693–S7715**

Adopted:

Inouye Amendment No. 4674, in the nature of a substitute. **Pages S7705–06**

Inouye Amendment No. 4682, to amend the title. **Page S7715**

Withdrawn:

By 48 yeas to 51 nays (Vote No. 245), Thune Amendment No. 4676 (to Amendment No. 4674), to reduce spending other than national security spending by 5 percent. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn). **Pages S7706–09 S7714**

By 39 yeas to 60 nays (Vote No. 246), DeMint Amendment No. 4677 (to Amendment No. 4674), to extend funding at the level provided until February 4, 2011. (A unanimous-consent agreement was

reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn).
Pages S7709–14 S7715

Adjournment Resolution: By 54 yeas to 39 nays (Vote No. 248), Senate agreed to H. Con. Res. 321, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Pages S7715–16**

Social Services Block Grant: Committee on Finance was discharged from further consideration of S. 3774, to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S7762–63**

Durbin (for Cornyn) Amendment No. 4685, to adjust the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occuring in 2008. **Page S7762**

WIPA and PABSS Extension Act: Senate passed H.R. 6200, to amend part A of title XI of the Social Security Act to provide for a 1-year extension of the authorizations for the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.
Page S7763

Hoh Indian Tribe Safe Homelands Act: Senate passed H.R. 1061, to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, after agreeing to the following amendment proposed thereto: **Page S7763**

Durbin (for Cantwell) Amendment No. 4686, to make a technical correction. **Page S7763**

CALM Act: Senate passed S. 2847, to regulate the volume of audio on commercials, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S7763–64**

Durbin (for Whitehouse) Amendment No. 4687, to deem operators and distributors who maintain equipment and software in compliance with the FCC regulations to be in compliance with those regulations. **Page S7764**

Anthony J. Cortese Post Office Building: Senate passed H.R. 4543, to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the ''Anthony J. Cortese Post Office Building''. **Page S7764**

Joyce Rogers Post Office Building: Senate passed H.R. 5341, 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''. **Page S7764**

David John Donafee Post Office Building: Senate passed H.R. 5390, to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the ''David John Donafee Post Office Building''. **Page S7764**

Tom Bradley Post Office Building: Senate passed H.R. 5450, to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the ''Tom Bradley Post Office Building''. **Page S7764**

Oil Spill Prevention Act: Senate passed S. 685, to require new vessels for carrying oil fuel to have double hulls, after agreeing to the committee amendments, and the following amendment proposed thereto: **Pages S7764–69**

Durbin (for Lautenberg) Amendment No. 4688, in the nature of a substitute. **Page S7769**

FOR VETS Act: Senate passed S. 3794, to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies, after agreeing to the committee amendment. **Pages S7769–70**

Telework Improvements Act: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 1722, to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S7770**

Durbin (for Akaka/Voinovich) Amendment No. 4689, in the nature of a substitute. **Page S7770**

Hudson River School Painters: Committee on the Judiciary was discharged from further consideration of S. Res. 278, honoring the Hudson River School painters for their contributions to the United States Senate, and the resolution was then agreed to.
Pages S7770–01

Ensuring Stability in Somalia: Senate agreed to S. Res. 573, urging the development of a comprehensive strategy to ensure stability in Somalia, after agreeing to the committee amendment in the nature of a substitute. **Page S7770**

National Day of Recognition for Long-Term Care Physicians: Committee on the Judiciary was discharged from further consideration of S. Con. Res. 52, expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Pages S7771–72**

Durbin (for Chambliss) Amendment No. 4690, to change the date. Page S7771

White House Fellows Program 45th Anniversary: Committee on the Judiciary was discharged from further consideration of S. Con. Res. 72, recognizing the 45th anniversary of the White House Fellows Program, and the resolution was then agreed to. Page S7772

Fort Hood Shooting Anniversary: Senate agreed to H. Con. Res. 319, recognizing the anniversary of the tragic shootings that occurred at Fort Hood, Texas, on November 5, 2009. Page S7772

28th Infantry Division: Senate agreed to S. Con. Res. 74, honoring the 28th Infantry Division for serving and protecting the United States. Pages S7772–73

Coastal States Organization: Senate agreed to S. Res. 667, recognizing the 40th anniversary of the Coastal States Organization. Pages S7773–74

National Day on Writing: Senate agreed to S. Res. 668, expressing support for the designation of October 20, 2010, as the "National Day on Writing". (See next issue.)

Filipino American History Month: Senate agreed to S. Res. 669, recognizing Filipino American History Month in October 2010. (See next issue.)

National Veterans History Project Week: Senate agreed to S. Res. 670, designating the week beginning on Monday, November 8, 2010, as "National Veterans History Project Week". (See next issue.)

Red Ribbon Week: Senate agreed to S. Res. 671, supporting the goals and ideals of Red Ribbon Week, 2010. (See next issue.)

National Chess Day: Senate agreed to S. Res. 672, designating October 9, 2010, as "National Chess Day" to enhance awareness and encourage students and adults to engage in a game known to enhance critical thinking and problem-solving skills. (See next issue.)

Measures Considered:

Centers for Medicaid & Medicare Services Joint Resolution: Senate began consideration of the motion to proceed to consideration of S.J. Res. 39, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule relating to status as a grandfathered health plan under the Patient Protection and Affordable Care Act. Pages S7673–93

During consideration of this measure today, Senate also took the following action:

By 40 yeas to 59 nays (Vote No. 244), Senate rejected the motion to proceed to consideration of the bill. Page S7693

Promoting Natural Gas and Electric Vehicles Act—Cloture: Senate began consideration of the motion to proceed to consideration of S. 3815, to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security. Pages S7729–30

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Wednesday, November 17, 2010. Pages S7729–30

Subsequently, the motion to proceed was withdrawn. Page S7730

Paycheck Fairness Act—Cloture: Senate began consideration of the motion to proceed to consideration of S. 3772, to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex. Page S7730

A motion was entered to close further debate on the motion to proceed to consideration of 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 S. 3815, Promoting Natural Gas and Electric Vehicles Act. Page S7730

Subsequently, the motion to proceed was withdrawn. Page S7730

FDA Food Safety Modernization Act—Cloture: Senate began consideration of the motion to proceed to consideration of S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply. Page S7730

A motion was entered to close further debate on the motion to proceed to consideration of 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 S. 3772, Paycheck Fairness Act. Page S7730

Subsequently, the motion to proceed was withdrawn. Page S7730

House Messages:

Coast Guard Authorization Act: Senate concurred in the amendment of the House of Representatives to H.R. 3619, to authorize appropriations for the Coast Guard for fiscal year 2010, with amendments. Pages S7718–19, S7730–31

Secure and Responsible Drug Disposal Act: Senate concurred in the amendment of the House to S. 3397, to amend the Controlled Substances Act to

provide for take-back disposal of controlled substances in certain instances. **Page S7770**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that the Majority Leader be authorized to sign any duly enrolled bills and joint resolutions until Monday, October 4, 2010. **Page S7775**

Authorizing Leadership to Make Appointments—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Page S7775**

Authority for Committees—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding a recess or adjournment of the Senate, that Senate committees may file committee reported executive and legislative calendar business on Friday, October 1, 2010 from 12 noon to 2 p.m., and on Tuesday, October 26, 2010 from 12 noon to 2 p.m. **Page S7775**

Senator Stevens Tributes—Agreement: A unanimous-consent agreement was reached providing that the tributes for the late Senator Stevens be printed as a Senate document and the deadline for statements to be submitted to the Congressional Record by Wednesday, November 17, 2010. **Page S7775**

Pro Forma Sessions—Agreement: A unanimous-consent agreement was reached providing that at 11:30 a.m., on Friday, October 1, 2010, Senate meet in pro forma session only, with no business conducted; that at the close of the pro forma session, Senate then stand in recess and convene on the dates in this consent and on each date listed, conduct a pro forma session only with no business: Tuesday, October 5, 2010 at 11 a.m.; Friday, October 8, 2010 at 11:30 a.m.; Tuesday, October 12, 2010 at 10 a.m.; Friday, October 15, 2010 at 10 a.m.; Tuesday, October 19, 2010 at 12 noon; Friday, October 22, 2010 at 1 p.m.; Tuesday, October 26, 2010 at 12 noon; Friday, October 29, 2010 at 11:30 a.m.; Monday, November 1, 2010 at 9 a.m.; Thursday, November 4, 2010 at 9 a.m.; Monday, November 8, 2010 at 12 noon; Wednesday, November 10, 2010 at 9:30 a.m.; and Friday, November 12, 2010 at 9:30 a.m.; that at the close of the pro-forma session on Friday, November 12, 2010, Senate then stand adjourned until 2 p.m., Monday, November 15, 2010, under the authority of H. Con. Res. 321; that on Monday, November 15, 2010, Senate proceed to a period of morning business. **Page S7775**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the report of an executive order that takes additional steps with respect to the national emergency with respect to Iran that was declared in Executive Order 12957; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–67) **(See next issue.)**

Treaties Approved: The following treaties, having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification were agreed to:

Hague Convention on International Recovery of Child Support and Family Maintenance (Treaty Doc. 110–21) with two reservations and three declarations;

Treaty with United Kingdom Concerning Defense Trade Cooperation (Treaty Doc. 110–7) with 9 conditions, 7 understandings, and 3 declarations; and

Treaty with Australia Concerning Defense Trade Cooperation (Treaty Doc. 110–10) with 8 conditions, 6 understandings, and 3 declarations.

(See next issue.)

Nominations Confirmed: Senate confirmed the following nominations:

Kevin W. Concannon, of Maine, to be a Member of the Board of Directors of the Commodity Credit Corporation.

(Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Kathleen A. Merrigan, of Massachusetts, to be a Member of the Board of Directors of the Commodity Credit Corporation.

(Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

James W. Miller, of Virginia, to be a Member of the Board of Directors of the Commodity Credit Corporation.

(Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Dallas P. Tonsager, of South Dakota, to be a Member of the Board of Directors of the Commodity Credit Corporation.

(Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Julie A. Reiskin, of Colorado, to be Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2010.

Gloria Valencia-Weber, of New Mexico, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

Michael J. Moore, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Raul Yzaguirre, of Maryland, to be Ambassador to the Dominican Republic.

Michael C. Ormsby, of Washington, to be United States Attorney for the Eastern District of Washington for the term of four years.

(Prior to this action, Committee on the Judiciary was discharged from further consideration.)

Steve A. Linick, of Virginia, to be Inspector General of the Federal Housing Finance Agency.

Michael Robert Bladel, of Iowa, to be United States Marshal for the Southern District of Iowa for the term of four years.

Mary Minow, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2014.

Sarah Bloom Raskin, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2002.

Janet L. Yellen, of California, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2010.

Janet L. Yellen, of California, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

Osvaldo Luis Gratacos Munet, of Puerto Rico, to be Inspector General, Export-Import Bank.

William C. Killian, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Subra Suresh, of Massachusetts, to be Director of the National Science Foundation for a term of six years.

Mimi E. Alemayehou, Executive Vice President of the Overseas Private Investment Corporation, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2015.

Johnnie Carson, an Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 27, 2015.

Edward W. Brehm, of Minnesota, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2011.

Kenneth James Runde, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

Robert E. O'Neill, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years.

Anne M. Harrington, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

Harry James Franklyn Korrell III, of Washington, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

Joseph Pius Pietrzyk, of Ohio, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

Pamela Young-Holmes, of Wisconsin, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

Alexander A. Arvizu, of Virginia, to be Ambassador to the Republic of Albania.

Duane E. Woerth, of Nebraska, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

Robert P. Mikulak, of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Organization for the Prohibition of Chemical Weapons.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

James Edward Clark, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years.

Mark F. Green, of Oklahoma, to be United States Attorney for the Eastern District of Oklahoma for the term of four years.

(Prior to this action, Committee on the Judiciary was discharged from further consideration.)

Joseph H. Hogsett, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

Kristie Anne Kenney, of Virginia, to be Ambassador to the Kingdom of Thailand.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Jo Ellen Powell, of Maryland, to be Ambassador to the Islamic Republic of Mauritania.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Mark M. Boulware, of Texas, to be Ambassador to the Republic of Chad.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Christopher J. McMullen, of Virginia, to be Ambassador to the Republic of Angola.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Joseph A. Mussomeli, of Virginia, to be Ambassador to the Republic of Slovenia.

Wanda L. Nesbitt, of Pennsylvania, to be Ambassador to the Republic of Namibia.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Karen Brevard Stewart, of Florida, to be Ambassador to the Lao People's Democratic Republic.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Albert Najera, of California, to be United States Marshal for the Eastern District of California for the term of four years.

William Claud Sibert, of Missouri, to be United States Marshal for the Eastern District of Missouri for the term of four years.

Myron Martin Sutton, of Indiana, to be United States Marshal for the Northern District of Indiana for the term of four years.

Julie A. Reiskin, of Colorado, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2013.

Maria Elizabeth Raffinan, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Beverly Joyce Harvard, of Georgia, to be United States Marshal for the Northern District of Georgia for the term of four years.

David Mark Singer, of California, to be United States Marshal for the Central District of California for the term of four years.

Jeffrey Thomas Holt, of Tennessee, to be United States Marshal for the Western District of Tennessee for the term of four years.

Steven Clayton Stafford, of California, to be United States Marshal for the Southern District of California for the term of four years.

Paul Charles Thielen, of South Dakota, to be United States Marshal for the District of South Dakota for the term of four years.

(Prior to this action, Committee on the Judiciary was discharged from further consideration.)

Nancy E. Lindborg, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Donald Kenneth Steinberg, of California, to be Deputy Administrator of the United States Agency for International Development.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

David B. Buckley, of Virginia, to be Inspector General, Central Intelligence Agency.

Cameron Munter, of California, to be Ambassador to the Islamic Republic of Pakistan.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Pamela Ann White, of Maine, to be Ambassador to the Republic of The Gambia.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

11 Air Force nominations in the rank of general.

12 Army nominations in the rank of general.

6 Marine Corps nominations in the rank of general.

3 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, and Navy.

Pages S7724–29, S7776–80

Nominations Received: Senate received the following nominations:

Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit.

Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit.

Richard Brooke Jackson, of Colorado, to be United States District Judge for the District of Colorado.

Mae A. D'Agostino, of New York, to be United States District Judge for the Northern District of New York.

William Conner Eldridge, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

Kenneth F. Bohac, of Illinois, to be United States Marshal for the Central District of Illinois for a term of four years.

Isabel Framer, of Ohio, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2012.

Paula Barker Duffy, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Susan H. Hildreth, of Washington, to be Director of the Institute of Museum and Library Services.

Martha Wagner Weinberg, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Mark Green, of Wisconsin, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

Thomas R. Nides, of the District of Columbia, to be Deputy Secretary of State for Management and Resources.

Alan J. Patricof, of New York, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of two years.

Jo Ann Rooney, of Massachusetts, to be Principal Deputy Under Secretary of Defense for Personnel and Readiness.

Michael Vickers, of Virginia, to be Under Secretary of Defense for Intelligence.

Routine lists in the Army, Coast Guard, Foreign Service, and Navy. **Pages S7775–76**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Teresa Takai, of California, to be an Assistant Secretary of Defense, which was sent to the Senate on April 12, 2010. **Page S7780**

Messages from the House: **(See next issue.)**

Measures Referred: **(See next issue.)**

Measures Placed on the Calendar: **(See next issue.)**

Measures Read the First Time: **Pages S7774–75**

Enrolled Bills Presented: **(See next issue.)**

Executive Communications: **(See next issue.)**

Petitions and Memorials: **(See next issue.)**

Executive Reports of Committees: **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Statements on Introduced Bills/Resolutions: **(See next issue.)**

Additional Statements: **Pages 7746–52S**

Amendments Submitted: **Pages S7752–62**

Authorities for Committees to Meet: **(See next issue.)**

Privileges of the Floor: **(See next issue.)**

Record Votes: Five record votes were taken today. (Total—248) **Pages S7693, S7714–15**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 11:54 p.m., until 11:30 a.m. on Friday, October 1, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S(See next issue.).)

Committee Meetings

(Committees not listed did not meet)

PUBLIC HEALTH THREATS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine defending against public health threats, after receiving testimony from Kathleen Sebelius, Secretary of Health and Human Services; Colonel Randall J. Larsen, USAF (Ret.), Weapons of Mass Destruction Center, and Eric A. Rose, Alliance for Biosecurity, both of Washington, D.C.; and Andrew T. Pavia, University of Utah Division of Pediatric Infectious Diseases, Salt Lake City.

INTERNATIONAL HOUSING FINANCE SYSTEMS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Security and International Trade and Finance concluded a hearing to examine a comparison of international housing finance systems, after receiving testimony from Michael J. Lea, San Diego State University Corky McMillin Center for Real Estate, San Diego, California; Susan M. Wachter, University of Pennsylvania Wharton School, Philadelphia; and Alex J. Pollock, American Enterprise Institute, Washington, D.C.

PROPANE EDUCATION AND RESEARCH COUNCIL AND NATIONAL OILHEAT RESEARCH ALLIANCE OVERSIGHT

Committee on Energy and Natural Resources: Subcommittee on Energy concluded an oversight hearing to examine the Propane Education and Research Council (PERC) and National Oilheat Research Alliance (NORA), after receiving testimony from Mark Gaffigan, Director, Natural Resources and Environment, Government Accountability Office; John Huber, National Oilheat Research Alliance (NORA), Alexandria, Virginia; and Roy W. Willis, Propane Education & Research Council, Inc, Washington, D.C.

NATIONAL PARKS AND PUBLIC LANDS BILLS

Committee on Energy and Natural Resources: Subcommittee on National Parks with the Subcommittee on Public Lands concluded a joint hearing to examine S. 3261, to establish the Buffalo Bayou National Heritage Area in the State of Texas, S. 3283, to designate Mt. Andrea Lawrence, S. 3291, to establish Coltsville National Historical Park in the State of Connecticut, S. 3524 and H.R. 4438, bills to authorize the Secretary of the Interior to expand the boundary of the Park, to conduct a study of potential land acquisitions, S. 3565, to provide for the conveyance of certain Bureau of Land Management land in Mohave County, Arizona, to the Arizona Game and Fish Commission, for use as a public shooting range, S. 3612, to amend the Marsh-Billings-Rockefeller National Historical Park Establishment Act to expand the boundary of the Marsh-Billings-Rockefeller National Historical Park in the State of Vermont, S. 3616, to withdraw certain land in the State of New Mexico, S. 3744, to establish Pinnacles National Park in the State of California as

a unit of the National Park System, S. 3778 and H.R. 4773, bills to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, S. 3820, to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc, S. 3822, to adjust the boundary of the Carson National Forest, New Mexico, and H.R. 1858, to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, after receiving testimony from Senator Begich; Katharine H. Stevenson, Associate Director, Business Services, National Park Service, Department of the Interior; Gregory C. Smith, Director of Lands, Forest Service, Department of Agriculture; and Aaron Schutt, Doyon, Limited, Fairbanks, Alaska.

AL-MEGRAHI RELEASE

Committee on Foreign Relations: Committee concluded a hearing to examine the al-Megrahi release, focusing on one year later, after receiving testimony from Senator Lautenberg; Nancy McEldowney, Principal Deputy Assistant Secretary of State, Bureau of European and Eurasian Affairs; Bruce Swartz, Deputy Assistant Attorney General, Department of Justice; James L. Mohler, Roswell Park Cancer Center, Buffalo, New York; Oliver Sartor, Tulane Cancer Center, New Orleans, Louisiana; and Geoff D. Porter, New York, New York.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following business items:

S. 3806, to protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service, with an amendment in the nature of a substitute;

H.R. 2142, to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council, with an amendment in the nature of a substitute;

S. 3794, to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies, with an amendment;

H.R. 4543, to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the ''Anthony J. Cortese Post Office Building'';

H.R. 5341, 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'';

H.R. 5390, to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the ''David John Donafee Post Office Building'';

H.R. 5450, to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the ''Tom Bradley Post Office Building''; and

The nomination of Maria Elizabeth Raffinan, to be an Associate Judge of the Superior Court of the District of Columbia.

IMPROVING FINANCIAL ACCOUNTABILITY AT THE DEPARTMENT OF DEFENSE

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine improving financial accountability at the Department of Defense, focusing on financial management improvement and how the audit readiness efforts continue to evolve, after receiving testimony from Robert F. Hale, Under Secretary, Comptroller, Elizabeth A. McGrath, Deputy Chief Management Officer, Eric Fanning, Deputy Under Secretary of the Navy, and Deputy Chief Management Officer, U.S. Navy, David Tillotson III, Deputy Chief Management Officer, U.S. Air Force, Office of the Under Secretary of the Air Force; Lieutenant General Robert E. Durbin, Acting Deputy Chief Management Officer, U.S. Army, all of the Department of Defense; and Asif A. Khan, Director, Financial Management and Assurance, Government Accountability Office.

CRIMES AGAINST AMERICA'S HOMELESS

Committee on the Judiciary: Subcommittee on Crime and Drugs concluded a hearing to examine crimes against America's homeless, focusing on if the violence is growing, after receiving testimony from Representative Johnson (TX); Richard Wierzbicki, Broward County Florida Sheriff's Office, Ft. Lauderdale; Brian H. Levin, California State University Center for the Study of Hate and Extremism, San Bernardino; Erik Luna, Washington and Lee University School of Law, Lexington, Virginia; David B. Muhlhausen, The Heritage Foundation Center for Data Analysis, Washington, D.C.; and Simone Manning-Moon, Decatur, Georgia.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of James E. Graves, Jr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit, who was introduced by Senators Cochran and Wicker, Paul Kinloch Holmes, III, to be United States District Judge for the Western District of Arkansas, who was introduced by Senators Lincoln and Pryor, Anthony J. Battaglia, to be United States District Judge for the Southern District of California, Edward J. Davila, to be United States District Judge for the Northern District of California, and Diana Saldana, to be United States District Judge for the Southern District of Texas, who was introduced by Senators Cornyn and Hutchison, after the nominees testified and answered questions in their own behalf.

FILIBUSTER

Committee on Rules and Administration: Committee resumed hearings to examine the filibuster, focusing on ideas to reduce delay and encourage debate in the Senate, after receiving testimony from Senator Gregg; and Martin Paone, former Senate Democratic Secretary, and Norman J. Ornstein, American Enterprise Institute, both of Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: Public bills and Resolutions will appear in the next issue of the Congressional Record. **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Reports Filed: Reports were filed today as follows:

H. Res. 1674, providing for consideration of the bill (H.R. 847) to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes; providing for consideration of the bill (H.R. 2378) to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes; and providing for consideration of the Senate amendment to the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (H. Rept. 111–648);

H. Res. 1561, directing the Secretary of Health and Human Services to transmit to the House of Representatives copies of each portion of any document, record, or communication in her possession consisting of or relating to documents prepared by or for the Centers for Medicare & Medicaid Services regarding the Patient Protection and Affordable Care Act, and for other purposes (H. Rept. 111–649);

H.R. 4416, to reauthorize the Great Ape Conservation Act, and for other purposes, with an amendment (H. Rept. 111–650);

H.R. 5479, to amend the Surface Mining Control and Reclamation Act of 1977 to provide for use of excess funds available under that Act to provide for certain benefits, and for other purposes (H. Rept. 111–651);

H.R. 5897, to reauthorize and improve programs and activities carried out under the Public Works and Economic Development Act of 1965, and for other purposes, with an amendment (H. Rept. 111–652, Pt. 1);

H.R. 4645, to remove obstacles to legal sales of United States agricultural commodities to Cuba and to end travel restrictions on all Americans to Cuba (H. Rept. 111–653, Pt. 1);

H.R. 5892, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with an amendment (H. Rept. 111–654); and

H. Res. 1682, providing for consideration of the Senate amendments to the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes (H. Rept. 111–655). **(See next issue.)**

Chaplain: The prayer was offered by the guest chaplain, Reverend Scott Moore, Erfurt, Germany. **Page H7215**

Motion to Adjourn: Rejected the Lincoln Diaz-Balart motion to adjourn by a yea-and-nay vote of 2 yeas to 409 nays with 1 voting ''present'', Roll No. 545. **Page H7226**

Adjournment Resolution: The House agreed to H. Con. Res. 321, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, by a yea-and-nay vote of 210 yeas to 209 nays, Roll No. 546. **Page H7228**

James Zadroga 9/11 Health and Compensation Act of 2010: The House passed H.R. 847, to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, by a recorded vote of 268 ayes to 160 noes, Roll No. 550. **Pages H7215–16, H7219–57**

Rejected the Lee (NY) motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 185 yeas to 244 nays, Roll No. 549. **Page H7256**

Pursuant to the rule, the amendment in the nature of a substitute printed in H. Rept. 111–648 shall be considered as adopted, in lieu of the amendments recommended by the Committees on Energy and Commerce and the Judiciary now printed in the bill. **Page H7230**

H. Res. 1674, the rule providing for consideration of the bills (H.R. 847 and H.R. 2378) and the Senate amendment to the bill (H.R. 2701), was agreed to by a yea-and-nay vote of 234 yeas to 183 nays, Roll No. 548, after the previous question was ordered by a yea-and-nay vote of 235 yeas to 183 nays, Roll No. 547. **Pages H7219, H7228–30**

Currency Reform for Fair Trade Act: The House passed H.R. 2378, to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, by a recorded vote of 348 ayes to 79 noes, Roll No. 554. **Pages H7259–73**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. **Page H7259**

Agreed to amend the title so as to read: ''To amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to a fundamentally undervalued currency of any foreign country.''. **Page H7273**

H. Res. 1674, the rule providing for consideration of the bills (H.R. 847 and H.R. 2378) and the Senate amendment to the bill (H.R. 2701), was agreed to by a yea-and-nay vote of 234 yeas to 183 nays, Roll No. 548, after the previous question was ordered by a yea-and-nay vote of 235 yeas to 183 nays, Roll No. 547. **Pages H7228–30**

Intelligence Authorization Act for Fiscal Year 2010: The House concurred in the Senate amendment to H.R. 2701, to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, by a yea-and-nay vote of 244 yeas to 181 nays, Roll No. 558. **Pages H7276–H7312**

H. Res. 1674, the rule providing for consideration of the bills (H.R. 847 and H.R. 2378) and the Senate amendment to the bill (H.R. 2701), was agreed to by a yea-and-nay vote of 234 yeas to 183 nays, Roll No. 548, after the previous question was ordered by a yea-and-nay vote of 235 yeas to 183 nays, Roll No. 547. **Pages H7228–30**

Coin Modernization, Oversight, and Continuity Act of 2010: The House agreed to discharge and pass H.R. 6162, amended, to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items. **Pages H7312–13**

American Eagle Palladium Bullion Coin Act of 2010: The House agreed to discharge and pass H.R. 6166, amended, to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals. **Pages H7313–14**

Withdrawal of Motion to Suspend the Rules: Agreed by unanimous consent to withdraw the Driehaus motion to suspend the rules and pass H.R. 6014 which was offered on September 28, 2010. **(See next issue.)**

Election Assistance Commission Board of Advisors—Reappointment: Read a letter from Representative Boehner, Minority Leader, in which he reappointed Mr. Thomas A. Fuentes of Lake Forest, CA to the Election Assistance Commission Board of Advisors. **(See next issue.)**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Plain Writing Act of 2010: Concurred in the Senate amendments to H.R. 946, to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, by a 2/3 yea-and-nay vote of 341 yeas to 82 nays, Roll No. 562; **Pages H7314–16**

Secure and Responsible Drug Disposal Act of 2010: S. 3397, amended, to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances; **Pages H7316–18**

Law Enforcement Officers Safety Act Improvements Act of 2010: S. 1132, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers; **(See next issue.)**

Veterans' Insurance and Health Care Improvements Act: Concurred in the Senate amendments to H.R. 3219, to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care; **(See next issue.)**

National Aeronautics and Space Administration Authorization Act of 2010: S. 3729, to authorize the programs of the National Aeronautics and Space

Administration for fiscal years 2011 through 2013, by a ⅔ yea-and-nay vote of 304 yeas to 118 nays, Roll No. 561; and (See next issue.)

Authorizing the Secretary of the Interior to extend grants and other assistance to facilitate a political status public education program for the people of Guam: Concurred in the Senate amendments to H.R. 3940, to authorize the Secretary of the Interior to extend grants and other assistance to facilitate a political status public education program for the people of Guam, by a ⅔ yea-and-nay vote of 386 yeas to 5 nays, Roll No. 565. (See next issue.)

Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010: The House concurred in the Senate amendments to H.R. 3081, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, by a recorded vote of 228 ayes to 194 noes, Roll No. 564. (See next issue.)

H. Res. 1682, the rule providing for consideration of the Senate amendments, was agreed to by a yea-and-nay vote of 233 yeas to 191 nays, Roll No. 560, after the previous question was ordered by a yea-and-nay vote of 240 yeas to 186 nays, Roll No. 559. (See next issue.)

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, September 28th:

Requiring the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website: H.R. 3685, to require the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website, by a ⅔ yea-and-nay vote of 425 ayes with none voting "no", Roll No. 551; Pages H7257–58

Securing America's Veterans Insurance Needs and Goals Act of 2010: H.R. 5993, amended, to amend title 38, United States Code, to ensure that beneficiaries of Servicemembers' Group Life Insurance receive financial counseling and disclosure information regarding life insurance payments, by a ⅔ yea-and-nay vote of 358 yeas to 66 nays, Roll No. 552; Page H7258

Calling on the Government of Japan to immediately address the growing problem of abduction to and retention of United States citizen minor children in Japan: H. Res. 1326, to call on the Government of Japan to immediately address the growing problem of abduction to and retention of United States citizen minor children in Japan, to work closely with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination in the United States, to provide left-behind parents immediate access to their children, and to adopt without delay the 1980 Hague Convention on the Civil Aspects of International Child Abduction, by a ⅔ yea-and-nay vote of 416 yeas to 1 nay, Roll No. 553; Pages H7258–59

Agreed to amend the title so as to read: "Calling on the Government of Japan to address the urgent problem of abduction to and retention of United States citizen children in Japan, to work closely with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination in the United States, to provide left-behind parents immediate access to their children, and to adopt without delay the 1980 Hague Convention on the Civil Aspects of International Child Abduction.". Page H7259

Rare Earths and Critical Materials Revitalization Act of 2010: H.R. 6160, amended, to develop a rare earth materials program and to amend the National Materials and Minerals Policy, Research and Development Act of 1980, by a ⅔ yea-and-nay vote of 325 yeas to 98 nays, Roll No. 555; Page H7273

AMERICA Works Act: H.R. 4072, amended, to require that certain Federal job training and career education programs give priority to programs that provide a national industry-recognized and portable credential, by a ⅔ yea-and-nay vote of 412 yeas to 10 nays, Roll No. 556; Pages H7273–74

Agreed to amend the title so as to read: "To require that certain Federal job training and career education programs give priority to programs that provide an industry-recognized and nationally portable credential.". Page H7274

Medical Debt Relief Act: H.R. 3421, amended, to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, by a ⅔ recorded vote of 336 ayes to 82 noes, Roll No. 557; Pages H7274–75

Federal Election Integrity Act: H.R. 512, amended, to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns, by a ⅔ yea-and-nay vote of 296 yeas to 129 nays, Roll No. 563; (See next issue.)

All-American Flag Act: H.R. 2853, amended, to require the purchase of domestically made flags of the United States of America for use by the Federal Government; (See next issue.)

Emil Bolas Post Office Designation Act: H.R. 4602, to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the "Emil Bolas Post Office"; (See next issue.)

James M. "Jimmy" Stewart Post Office Building Designation Act: H.R. 5606, to designate the facility of the United States Postal Service located at

47 South 7th Street in Indiana, Pennsylvania, as the ''James M. 'Jimmy' Stewart Post Office Building'';
(See next issue.)

George C. Marshall Post Office Designation Act: H.R. 5605, to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the ''George C. Marshall Post Office''; **(See next issue.)**

Supporting the goals and ideals of United States Military History Month: H. Res. 1442, to support the goals and ideals of United States Military History Month; **(See next issue.)**

Congratulating the Washington Stealth for winning the National Lacrosse League Championship: H. Res. 1546, amended, to congratulate the Washington Stealth for winning the National Lacrosse League Championship; **(See next issue.)**

Supporting the United States Paralympics: H. Res. 1479, to support the United States Paralympics and to honor the Paralympic athletes; **(See next issue.)**

Dorothy I. Height Post Office Building Designation Act: H.R. 6118, amended, to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, N.E., in Washington, D.C., as the ''Dorothy I. Height Post Office Building'';
(See next issue.)

Agreed to amend the title so as to read: ''To designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE, in Washington, D.C., as the 'Dorothy I. Height Post Office'.''. **(See next issue.)**

Supporting the goals and purpose of Gold Star Mothers Day: H. Res. 1617, to support the goals and purpose of Gold Star Mothers Day, which is observed on the last Sunday in September of each year in remembrance of the supreme sacrifice made by mothers who lose a son or daughter serving in the Armed Forces; **(See next issue.)**

Expressing support for designation of September 2010 as National Craniofacial Acceptance Month: H. Res. 1603, to express support for designation of September 2010 as National Craniofacial Acceptance Month; **(See next issue.)**

Amending section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay: H.R. 3243, to amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay; **(See next issue.)**

Pre-Election Presidential Transition Act of 2010: S. 3196, to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election; **(See next issue.)**

Pediatric Research Consortia Establishment Act: H.R. 758, amended, to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia; **(See next issue.)**

Veterinary Public Health Workforce and Education Act: H.R. 2999, amended, to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health; **(See next issue.)**

Gestational Diabetes Act: H.R. 5354, amended, to establish an Advisory Committee on Gestational Diabetes and to provide grants to better understand and reduce gestational diabetes; **(See next issue.)**

Agreed to amend the title so as to read: ''To provide grants to better understand and reduce gestational diabetes, and for other purposes.''.
(See next issue.)

Methamphetamine Education, Treatment, and Hope Act: H.R. 2818, amended, to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, and to improve the prevention and treatment of methamphetamine addiction; **(See next issue.)**

Concussion Treatment and Care Tools Act: H.R. 1347, amended, to amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children;
(See next issue.)

Stem Cell Therapeutic and Research Reauthorization Act of 2010: S. 3751, to amend the Stem Cell Therapeutic and Research Act of 2005;
(See next issue.)

HEART for Women Act: H.R. 1032, amended, to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women;
(See next issue.)

Agreed to amend the title so as to read: ''To amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.''.
(See next issue.)

Scleroderma Research and Awareness Act: H.R. 2408, amended, to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma; **(See next issue.)**

Bone Marrow Failure Disease Research and Treatment Act: H.R. 1230, amended, to amend the Public Health Service Act to provide for the establishment of a National Acquired Bone Marrow Failure Disease Registry, to authorize research on acquired bone marrow failure diseases; **(See next issue.)**

Agreed to amend the title so as to read: ''To amend the Public Health Service Act to provide for research on acquired bone marrow failure diseases, minority-focused programs on such diseases, and the development of best practices for diagnosis of and care for individuals with such diseases.''.

(See next issue.)

Reauthorizing and enhancing Johanna's Law: H.R. 2941, amended, to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers;

(See next issue.)

Birth Defects Prevention, Risk Reduction, and Awareness Act of 2010: H.R. 5462, amended, to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; and (See next issue.)

Agreed to amend the title so as to read: ''To amend title III of the Public Health Service Act to authorize the Secretary of Health and Human Services to establish and implement a birth defects prevention, risk reduction, and public awareness program.''. (See next issue.)

Arthritis Prevention, Control, and Cure Act: H.R. 1210, amended, to amend the Public Health Service Act to provide for arthritis research and public health. (See next issue.)

United States Secret Service Uniformed Division Modernization Act: The House concurred in the Senate amendment to the House amendment to S. 1510, to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.

(See next issue.)

Coast Guard Authorization Act of 2010: The House concurred in the Senate amendments to the House amendments to the Senate amendment to H.R. 3619, to authorize appropriations for the Coast Guard for fiscal year 2010. (See next issue.)

Mount Stevens and Ted Stevens Icefield Designation Act: The House agreed to discharge and pass S. 3802, to designate a mountain and icefield in the State of Alaska as the ''Mount Stevens'' and ''Ted Stevens Icefield'', respectively. (See next issue.)

Presidential Message: Read a message from the President wherein he transmitted a notification that an Executive Order was issued with respect to the national emergency declared in response to the actions and policies of the Government of Iran—referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–147).

Pages H7275–76

Senate Messages: Messages received from the Senate today appear on pages (See next issue).

Senate Referral: S. 3774 was held at the desk.

(See next issue.)

Quorum Calls—Votes: Seventeen yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H7226, H7228, H7228–29, H7229–30, H7256, H7256–57, H7257–58, H7258, H7259, H7272–73, H7273, H7274, H7274–75. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 1:04 a.m. on September 30, 2010, pursuant to the provisions of H. Con. Res. 321, the House stands adjourned until 2 p.m. on Monday, November 15, 2010.

Committee Meetings

DEFENSE DEPARTMENT'S EFFICIENCY INITIATIVE

Committee on Armed Services: Held a hearing on the Department of Defense's efficiency initiative. Testimony was heard from the following officials of the Department of Defense: William J. Lynn, III, Deputy Secretary; Ashton Carter, Under Secretary, Acquisition, Technology and Logistics; and GEN James E. Cartwright, USMC, Vice Chairman, Joint Chiefs of Staff.

MILITARY TREATMENT FACILITY MULTI-RESISTANT INFECTIONS

Committee on Armed Services; Subcommittee on Oversight and Investigations held a hearing on Fighting Superbugs: DOD's Response to Multidrug-Resistant Infections in Military Treatment Facilities. Testimony was heard from the following officials of the Department of Defense: Jack Smith, M.D., Acting Deputy Assistant Secretary, Clinical and Program Policy, Office of the Assistant Secretary, Health Affairs; COL Jonathan Jaffin, M.D., USA, Director, Health Policy and Services, Office of the Surgeon General; COL Duane Hospenthal, M.D., USA. Infectious Diseases Consultant to the U.S. Army Surgeon General; COL James D. Collier, M.D., USAF, Assistant Surgeon General, Health Care Operations, Office of the Surgeon General; LTC Michael Forgione, M.D., USAF, Service Advisor, Infectious Disease Clinical Research Program; CAPT Gregory Martin, USN, Program Director, Infectious Disease Clinical Research Program; and Judith F. English, Infection Control Consultant.

SMALL BUSINESS DEFENSE CONTRACTING

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats, and Capabilities held a hearing on small business' role and opportunities in restoring affordability to the Department of Defense. Testimony was heard from the following officials of the Department of Defense: Zachary J. Lemnios, Director, Defense Research and Engineering; and Linda B. Oliver, Acting Director, Office of Small Business Programs.

HOUSING FINANCE OUTLOOK

Committee on Financial Services: Held a hearing entitled "The Future of Housing Finance—A Review of Proposals to Address Market Structure and Transition." Testimony was heard from public witnesses.

DISABLED INCLUSIVE HOME DESIGN

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled "The Inclusive Home Design Act." Testimony was heard from Representative Schakowsky; and public witnesses.

TRADE FINANCING'S ROLE IN DOUBLING EXPORTS

Committee on Financial Services: Subcommittee on Oversight and Investigations and the Subcommittee on International Monetary Policy and Trade held a joint hearing entitled "Ex-Im Bank Oversight: The Role of Trade Finance in Doubling Exports over Five Years." Testimony was heard from the following officials of the Export-Import Bank of the United States; Fred P. Hochberg, Chairman and President; and Osvaldo Luis Gratacos, Acting Inspector General; Loren Yager, Director, International Affairs and Trade, GAO; and a public witness.

ADVANCES AGAINST HIV/AIDS

Committee on Foreign Affairs: Held a hearing on PEPFAR: From Emergency to Sustainability and Advances Against HIV/AIDS. Testimony was heard from Eric Goosby, U.S. Global AIDS Coordinator, Department of State; the following officials of the Department of Health and Human Services: Anthony S. Fauci, M.D., Director, National Institute of Allergy and Infectious Diseases (NIAID), NIH, and Thomas R. Frieden, M.D., Director, Centers for Disease Control and Prevention, and Administrator, Agency for Toxic Substances and Disease Registry; and public witnesses.

U.S. POLICY TOWARD PACIFIC ISLANDS NATIONS

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific, and the Global Environment held a hearing on Renewed Engagement: U.S. Policy Toward Pacific Island Nations. Testimony was heard from the following officials of the Department of State: Kurt M. Campbell, Assistant Secretary, Bureau of East Asian and Pacific Affairs; and Frank Young, Senior Deputy Assistant, Administrator, Bureau for Asia, U.S. Agency for International Development; and Derek J. Mitchell, Principal Deputy Assistant Secretary, Asian and Pacific Security Affairs, Department of Defense.

COUNTERING JIHADIST WEBSITES:

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation and Trade held a hearing on U.S. Strategy for Countering Jihadist Websites. Testimony was heard from public witnesses.

DISASTER RELIEF DELIVERY MANAGEMENT

Committee on Homeland Security: Subcommittee on Emergency Communications, Preparedness and Response held a hearing entitled "Emergency Logistics Management: Transforming the Delivery of Disaster Relief for the 21st Century. Testimony was heard from the following officials of the Department of Homeland Security: Matt Jadacki, Assistant Inspector General, Emergency Management Oversight, Office of Inspector General; and Eric Smith, Assistant Administrator, Logistics Management Directorate, FEMA; and a public witness.

HOMELAND SECURITY INTELLIGENCE ANALYSIS FOR BROADER COMMUNITIES

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing and Terrorist Risk Assessment held a hearing entitled "Is the Office of Intelligence and Analysis Adequately Connected to the Broader Homeland Communities?" Testimony was heard from Caryn A. Wagner, Under Secretary, Intelligence and Analysis, Office of Intelligence and Analysis, Department of Homeland Security.

COMPREHENSIVE ALCOHOL REGULATORY EFFECTIVENESS ACT

Committee on the Judiciary: Held a hearing on H.R. 5034, Comprehensive Alcohol Regulatory Effectiveness (CARE) Act of 2010. Testimony was heard from Representatives Thompson of California, Braley of Iowa, Radanovich, DeFazio, Towns, and Gary G. Miller of California; Mark L. Shurtleff, Attorney General, State of Utah; and public witnesses.

COURTROOM ACCESS TO JUSTICE—ADMINISTRATION-SECURITY

Committee on the Judiciary: Subcommittee on Courts and Competition Policy held a hearing on Courtroom Use: Access to Justice, Effective Judicial Administration, and Courtroom Security. Testimony was heard from Representative Cooper; Mark L. Goldstein, Director, Physical Infrastructure, GAO; Robert A. Peck, Commissioner of Public Buildings, GSA; Michael A. Ponsor, U.S. District Judge, District of Massachusetts; Robert J. Conrad, Jr., Chief Judge, Western District of North Carolina; and a public witness.

SECOND CHANCE ACT REAUTHORIZATION

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on Reauthorization of the Second Chance Act. Testimony was heard from Gladyse Taylor, Acting Director, Department of Correction, State of Illinois; and public witnesses.

DEPARTMENTAL REPORT REQUEST ON THE BENEFICIARY OF A PRIVATE BILL

Committee on the Judiciary: Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law met and approved a request to the

Department of Homeland Security for the Departmental Report on the Beneficiary of H.R. 5401, For the relief of Allan Bolor Kelley.

NEUROSCIENCE RESEARCH/DEVELOPMENT

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing entitled, "From Molecules to Minds: The Future of Neuroscience Research and Development." Testimony was heard from the following officials of NIH, Department of Health and Human Services: Thomas R. Insel, M.D., Director, National Institute of Mental Health, and Walter J. Koroshetz, M.D., Deputy Director, National Institute for Neurological Disorders and Stroke; Joel Kupersmith, M.D., Chief Research and Development Officer, Veterans Health Administration, Department of Veterans Affairs; Terry Rauch, Director, Defense Medical Research and Development Program, Office of the Assistant Secretary, Health Affairs, Department of Defense; and public witnesses.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010; CURRENCY REFORM FOR FAIR TRADE ACT; SENATE AMENDMENTS TO INTELLIGENCE AUTHORIZATION ACT FY 2010

Committee on Rules: Granted, by a non-record vote, a single rule providing for consideration of (1) H.R. 847, the "James Zadroga 9/11 Health and Compensation Act of 2010," (2) H.R. 2378, the "Currency Reform for Fair Trade Act," and (3) the Senate amendment to H.R. 2701, the "Intelligence Authorization Act of 2010."

With respect to H.R. 847, the rule grants a closed rule providing one hour of debate in the House, with 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of H.R. 847 except those arising under clause 9 or 10 of rule XXI. In lieu of the amendments recommended by the Committee on Energy and Commerce and the Committee on the Judiciary, the amendment in the nature of a substitute printed in the report of the Committee on Rules shall be considered as adopted. The rule provides that the bill, as amended, shall be considered as read. The rule waives all points of order against the bill, as amended. The rule provides one motion to recommit H.R. 847 with or without instructions.

With respect to H.R. 2378, the rule grants a closed rule providing one hour of debate in the House equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of Rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means shall be considered as adopted and the bill, as amended, shall be considered as read. The rule waives all points of order against provisions of the bill, as amended. The rule provides one motion to recommit with or without instructions.

With respect to the Senate amendment to H.R. 2701, the rule makes in order a motion offered by the chair of the Permanent Select Committee on Intelligence or his designee that the House concur in the Senate amendment. All points of order against the motion are waived except those arising under clause 10 of rule XXI. The motion is debatable for one hour equally divided and controlled by the chair and ranking minority member of the Intelligence Committee. The rule provides that the Senate amendment and the motion shall be considered as read. Testimony was heard from Representatives Engel, Nadler, Maloney, and Chairmen Levin and Reyes.

CONTINUING APPROPRIATIONS ACT, 2011

Committee on Rules: Granted, by a non-record vote, a rule providing for consideration of the Senate amendments to H.R. 3081, the "Continuing Appropriations Act, 2011." The rule makes in order a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendments to H.R. 3081. The rule provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. Finally, the rule provides that the Senate amendments and the motion shall be considered as read. Testimony was heard from heard from Chairman Obey.

INVESTMENTS IN SCIENCE U.S. COMPETITIVENESS

Committee on Science and Technology: Held a hearing on Averting the Storm: How Investments in Science Will Secure the Competitiveness and Economic Future of the U.S. Testimony was heard from Norman R. Augustine, former under Secretary of the Army; and public witnesses.

RECOVERY ACT TRANSPORTATION INFRASTRUCTURE PROJECTS

Committee on Transportation and Infrastructure: Held a hearing on Recovery Act Transportation and Infrastructure Projects: Impacts on Local Communities and Business. Testimony was heard from public witnesses.

U.S FLAGGED VESSELS IN U.S. FOREIGN TRADE

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Continuing Examination of U.S. Flagged Vessels in U.S. Foreign Trade. Testimony was heard from David Matsuda, Acting Administrator, Maritime Administration, Department of Transportation.

FEDERAL CONTRACTOR COMPLIANCE

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing on Federal Contractor Compliance. Testimony was heard from Les Jin, Deputy Director, Office of Federal Contract Compliance Programs, Department of Labor; Jan R. Frye, Deputy Assistant Secretary, Acquisition and Logistics, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Veterans Affairs: Subcommittee on Health held a hearing on the following bills: H.R. 3843, Transparency for America's Heroes Act; H.R. 4041, To authorize certain improvements in the Federal Recovery Coordinator Programs; H.R. 5428, To direct the Secretary of Veterans Affairs to educate certain staff of the Department of Veterans Affairs and to inform veterans about the Injured and Amputee Veterans Bill of Rights; H.R. 5543, To amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay; H.R. 5516, Access to Appropriate Immunizations for Veterans Act of 2010; H.R. 5641, Heroes at Home Act; H.R. 5996, To direct the Secretary of Veterans Affairs to improve the prevention, diagnosis, and treatment of veterans with chronic obstructive pulmonary disease; H.R. 6123, Veterans' Traumatic Brain Injury Rehabilitative Services' Improvements Act of 2010; and H.R. 6127, Extension of Health Care Eligibility for Veterans Who Served at Qrmat Ali, and Draft Legislation. Testimony was heard from Representatives Filner, Sestak, Barrow, Pingree and Stearns; Robert L. Jesse, M.D., Principal Deputy Under Secretary, Health, Veterans Health Administration, Department of Veterans Affairs; and representatives of veterans organizations.

BRIEFINGS—SUPPLY CHAIN THREATS; THREAT ASSESSMENTS UPDATE

Permanent Select Committee on Intelligence: Meet in executive session to receive a briefing on Supply Chain Threats. The Committee was briefed by departmental witnesses.

The Committee also met in executive session to receive a briefing on Threat Assessments Update. The Committee was briefed by Michael Leiter, Director, National Counterterrorism Center, Office of the Director of National Intelligence.

Joint Meetings

YUKOS OIL COMPANY

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine charges against Mikhail Khodorkovsky's Yukos Oil Company, after receiving testimony from Vadim Klyuvgant, Moscow, Russia.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1027)*

H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation. Signed on September 27, 2010. (Public Law 111–240)

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 30, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Business meeting to consider S. 118, to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and S. 1481, to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities; to be immediately followed by a hearing to examine implementing the Dodd-Frank Wall Street Reform and Consumer Protection Act, 10 a.m., SD–538.

Committee on Energy and Natural Resources: Subcommittee on Energy, to hold hearings to examine the role of strategic minerals in clean energy technologies and other applications, including S. 3521, to provide for the reestablishment of a domestic rare earths materials production and supply industry in the United States, 10 a.m., SD–366.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the Federal investment in for-profit education, focusing on if students are succeeding, 10 a.m., SD–124.

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration, to hold hearings to examine earthquake preparedness, focusing on what the United States can learn from the 2010 Chilean and Haitian earthquakes, 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 implementation, improvement, sustainability, focusing on management matters at the Department of Homeland Security, 2:30 p.m., SD–342.

House

Committee on the Budget, hearing on Defense Department Budget initiatives, 2 p.m., 210 Cannon.

Committee on Energy and Commerce, Subcommittee on Health, hearing on the recently released discussion draft on drug safety legislation, 10 a.m., 2123 Rayburn.

Committee on Foreign Affairs, hearing on Out of the Shadows: The Global Fight Against Human Trafficking, 10 a.m., 2172 Rayburn.

Subcommittee on Asia, The Pacific and The Global Environment, hearing on Cambodia's Small Debt: When Will the U.S. Forgive? 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, hearing entitled "The Domestic Nuclear Detection Office: Can It Overcome Past Problems and Chart a New Direction?" 2 p.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, hearing on the Role of Immigration in Strengthening America's Economy, 9:30 a.m., 2141 Rayburn.

Committee on Oversight and Government Reform, hearing to examine the circumstances surrounding the recall of over 135 million bottles of infant and children's medicines produced by Johnson & Johnson/McNeil Consumer Healthcare, 10 a.m., 210–HVC.

Subcommittee on Domestic Policy, hearing entitled, "Are 'Superweeds' an Outgrowth of USDA Biotech Policy? (Part II)," 2:00 p.m., 2203 Rayburn.

Subcommittee on Governmental Management, Organization and Procurement, executive, briefing to discuss recently proposed efficiency and organizational initiatives within the Department of Defense, 2 p.m., 2218 Rayburn.

Committee on Science and Technology, Subcommittee on Technology and Innovation, hearing on Standards for Health IT: Meaningful Use and Beyond, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on The Congressional Workplace; Safety Concerns and Future Plans, 2 p.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on impact of Green Infrastructure and Low Impact Development on the Nation's Water Quality, Economy and Communities, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, hearing on the True Cost of the War, 10 a.m., 334 Cannon.

Next Meeting of the **SENATE**

11:30 a.m., Friday, October 1

Senate Chamber

Program for Friday: Senate will meet in a pro forma session.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

2 p.m., Monday, November 15

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

(Senate and House proceedings for today will be continued in the next issue of the Record.)

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