United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

AMENDMENT NO. 4184

At the request of Ms. LANDRIEU, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 4184 proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4202

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 4202 proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4204

At the request of Mr. FEINGOLD, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 4204 proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4244

At the request of Mr. BINGAMAN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 4244 intended to be proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4251

At the request of Mr. MERKLEY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 4251 proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4253

At the request of Ms. COLLINS, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 4253 proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4279

At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 4279 intended to be proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4282

At the request of Mr. PRYOR, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 4282 intended to be proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4294

At the request of Mr. VITTER, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of amendment No. 4294 intended to be proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. WARNER, Mr. GRAHAM, Ms. SNOWE, Mr. MERKLEY, Mr. BROWN of Massachusetts, Ms. STABENOW, Mr. SANDERS, Mr. DODD, Mrs. GILLIBRAND, Mr. CARPER, Mr. PRYOR, Mr. BEGICH, Ms. KLOBUCHAR, Ms. CANTWELL, and Mr. HARKIN):

S. 3434. A bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise to introduce the Home Star Energy Retrofit Act of 2010 and to recognize the original cosponsors of the bill: Senator WARNER, Senator GRAHAM, Senator SNOWE, Senator SANDERS, Senator BROWN of Massachusetts, Senator MERKLEY, Senator STABENOW, Senator DODD, Senator GILLIBRAND, Senator CARPER, Senator PRYOR and Senator HARKIN. This innovative legislation will save consumers money, create American skilled labor jobs, and reduce home energy consumption.

If enacted, HOME STAR will build on existing policies and initiatives that have already proved effective. The program is supported by a broad coalition of over 600 groups including construction contractors, building products and mechanical manufacturers, retail sales businesses, environmental groups and labor advocates.

HOME STAR will provide point-of-sale instant savings to encourage homeowners to install residential energy upgrades such as air sealing, insulation, and high efficiency furnaces and water heaters.

HOME STAR incorporates a two-tiered approach that will offer flexibility to homeowners when choosing efficiency improvements to install. Under the Silver Star program, rebates averaging $1,000 will be offered for the installation of each eligible energy-saving measure such as new insulation and high-efficiency heating and cooling systems, up to maximum of $3,000 per home. Under the Gold Star program, there will be performance-based grants of $3,000 for a 20 percent reduction in home energy consumption and $1,000 for each additional 5 percent of verified energy reduction as determined by a comparison of the energy consumption of the home before and after the retrofit.

In addition to the short-term rebate programs in Home Star, our revised bill includes longer term efficiency tax policies to maintain the momentum for energy efficient home retrofits. These performance-based energy improvement tax credits will encourage the continuation of Gold Star-type whole home retrofits.

HOME STAR will create American jobs in the construction industry, which has lost 1.6 million jobs since December 2007, with unemployment rates topping 25 percent in some regions. HOME STAR leverages private investment to create a strong market for home energy retrofits, and will put hundreds of thousands of unemployed Americans back to work as well as stimulating demand for building materials produced by American factories.

Finally, HOME STAR will reduce home energy consumption and dependence on foreign oil. HOME STAR helps Americans pay for cost-effective home improvements, create permanent reductions in household energy bills, and reduce our national carbon footprint. Residential energy efficiency improvements covered by the HOME STAR program reduce energy waste in most homes by 20 to 40 percent. When combined with low-interest financing, these retrofits can be cash-flow positive upon project completion. An initiative with a potential to retrofit over 3 million homes, HOME STAR will achieve significant reductions in building-related greenhouse gas emissions while generating long-term energy savings for American consumers and reducing energy usage by an amount equal to four 300 megawatt power plants.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3434

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 ''Home Star Energy Retrofit Act of 2010''.

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

Sec. 1. Short title; table of contents.

TITLE I—HOME STAR ENERGY RETROFITS

Sec. 101. Definitions.
Sec. 102. Home Star Retrofit Rebate Program.
Sec. 103. Contractors.
Sec. 104. Rebate aggregators.
Sec. 105. Quality assurance providers.
Sec. 106. Silver Star Home Energy Retrofit Program.

Sec. 107. Gold Star Home Energy Retrofit Program.
Sec. 108. Grants to States and Indian tribes.
Sec. 109. Quality assurance framework.
Sec. 110. Report.
Sec. 111. Administration.
Sec. 112. Treatment of rebates.
Sec. 113. Penalties.
Sec. 114. Home Star Energy Efficiency Loan Program.
Sec. 115. Funding.

TITLE II—PERFORMANCE BASED ENERGY IMPROVEMENT TAX CREDITS

Sec. 201. Performance based energy improvements for nonbusiness property.

TITLE I—HOME STAR ENERGY RETROFITS

SEC. 101. DEFINITIONS.

In this title:

(1) ACCREDITED CONTRACTOR.—The term ''accredited contractor'' means a residential energy efficiency contractor that meets the minimum applicable requirements established under section 103.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(3) BPI.—The term ''BPI'' means the Building Performance Institute.

(4) CERTIFIED WORKFORCE.—The term ''certified workforce'' means a residential energy efficiency construction workforce that is entirely certified in the appropriate job skills for all employees performing installation work under—

(A) an applicable third party skills standard established—

(i) by the BPI;

(ii) by the North American Technician Excellence;

(iii) by the Laborers' International Union of North America; or

(iv) in the State in which the work is to be performed, pursuant to a program operated by the Home Builders Institute in connection with Ferris State University, to be effective beginning on the date that is 30 days after the date notice is provided by those organizations to the Secretary that the program has been established in the State unless the Secretary determines, not later than 30 days after the date of the notice, that the standard or certification is incomplete; or

(B) other standards approved by the Secretary, in consultation with the Secretary of Labor and the Administrator.

(5) CONDITIONED SPACE.—The term ''conditioned space'' means the area of a home that is—

(A) intended for habitation; and

(B) intentionally heated or cooled.

(6) DOE.—The term ''DOE'' means the Department of Energy.

(7) ELECTRIC UTILITY.—The term ''electric utility'' means any person or State agency that delivers or sells electric energy at retail, including nonregulated utilities and utilities that are subject to State regulation and Federal power marketing administrations.

(8) EPA.—The term ''EPA'' means the Environmental Protection Agency.

(9) FEDERAL REBATE PROCESSING SYSTEM.—The term ''Federal Rebate Processing System'' means the Federal Rebate Processing System established under section 102(b).

(10) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—The term ''Gold Star Home Energy Retrofit Program'' means the Gold Star Home Energy Retrofit Program established under section 107.

(11) HOME.—The term ''home'' means a principal residential dwelling unit in a building with no more than 4 dwelling units that—

(A) is located in the United States; and

(B) was constructed before the date of enactment of this Act.

(12) HOMEOWNER.—The term ''homeowner'' means the resident or non-resident owner of record of a home.

(13) HOME STAR LOAN PROGRAM.—The term ''Home Star loan program'' means the Home Star energy efficiency loan program established under section 114(a).

(14) HOME STAR RETROFIT REBATE PROGRAM.—The term ''Home Star Retrofit Rebate Program'' means the Home Star Retrofit Rebate Program established under section 102(a).

(15) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(16) NATURAL GAS UTILITY.—The term ''natural gas utility'' means any person or State agency that transports, distributes, or sells natural gas at retail, including nonregulated utilities and utilities that are subject to State regulation.

(17) QUALIFIED CONTRACTOR.—The term ''qualified contractor'' means a residential energy efficiency contractor that meets minimum applicable requirements established under section 103.

(18) QUALITY ASSURANCE FRAMEWORK.—The term ''quality assurance framework'' means a policy adopted by a State to develop high standards for ensuring quality in ongoing energy efficiency retrofit activities in which the State has a role, including operation of the quality assurance program and creating significant employment opportunities, in particular for targeted workers.

(19) QUALITY ASSURANCE PROGRAM.—

(A) IN GENERAL.—The term ''quality assurance program'' means a program established under this title or recognized by the Secretary under this title, to oversee the delivery of home efficiency retrofit programs to ensure that work is performed in accordance with standards and criteria established under this title.

(B) INCLUSIONS.—For purposes of subparagraph (A), delivery of retrofit programs includes delivery of quality assurance reviews of rebate applications and field inspections for a portion of customers receiving rebates and conducted by a quality assurance provider, with the consent of participating consumers and without delaying rebate payments to participating contractors.

(20) QUALITY ASSURANCE PROVIDER.—The term ''quality assurance provider'' means any entity that meets the minimum applicable requirements established under section 105.

(21) REBATE AGGREGATOR.—The term ''rebate aggregator'' means an entity that meets the requirements of section 104.

(22) RESNET.—The term ''RESNET'' means the Residential Energy Services Network, which is a nonprofit certification and standard setting organization for home energy raters that evaluate the energy performance of a home.

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

(24) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—The term ''Silver Star Home Energy Retrofit Program'' means the Silver Star Home Energy Retrofit Program established under section 106.

(25) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the United States Virgin Islands; and

(H) any other territory or possession of the United States.

(26) VENDOR.—The term ''vendor'' means any retailer that sells directly to homeowners and contractors the materials used for the energy savings measures under section 106.

SEC. 102. HOME STAR RETROFIT REBATE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish the Home Star Retrofit Rebate Program.

(b) FEDERAL REBATE PROCESSING SYSTEM.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury and the Administrator, shall—

(i) establish a Federal Rebate Processing System which shall serve as a database and information technology system that will allow rebate aggregators to submit claims for reimbursement using standard data protocols;

(ii) establish a national retrofit website that provides information on the Home Star Retrofit Rebate Program, including—

(I) how to determine whether particular efficiency measures are eligible for rebates; and

(II) how to participate in the program;

(iii) make available, on a designated website, model forms for compliance with all applicable requirements of this title, to be submitted by—

(I) each qualified contractor on completion of an eligible home energy retrofit; and

(II) each quality assurance provider on completion of field verification; and

(iv) subject to section 115, provide such administrative and technical support to rebate aggregators and States as is necessary to carry out this title.

(B) DISTRIBUTION OF FUNDS.—Not later than 10 days after the date of receipt of bundled rebate applications from a rebate aggregator, the Secretary shall distribute funds to the rebate aggregator on approved claims for reimbursement made to the Federal Rebate Processing System.

(C) FUNDING AVAILABILITY.—The Secretary shall post, on a weekly basis, on the national retrofit website established under subparagraph (A)(ii) information on—

(i) the number of rebate claims approved for reimbursement; and

(ii) the total amount of funds disbursed for rebates.

(D) PROGRAM ADJUSTMENT OR TERMINATION.—Based on the information described in subparagraph (C), the Secretary shall announce a termination date and reserve funding to process the rebate applications that are in the Federal Rebate Processing System prior to the termination date.

(2) MODEL FORMS.—In carrying out this section, the Secretary shall consider the model forms developed by the National Home Performance Council.

(c) ADMINISTRATIVE AND TECHNICAL SUPPORT.—Effective beginning not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators and States as is necessary to carry out this title.

(d) PUBLIC INFORMATION CAMPAIGN.—Not later than 60 days after the date of enactment of this Act, the Administrator shall develop and implement a public education campaign that describes, at a minimum—

(1) the benefits of home energy retrofits;

(2) the availability of rebates for—

(A) the installation of qualifying efficiency measures; and

(B) whole home efficiency improvements; and

(3) the requirements for qualified contractors and accredited contractors.

(e) LIMITATION.—Silver Star rebates provided under section 106 and Gold Star rebates provided under section 107 may be provided for the same home only if—

(1) Silver Star rebates are awarded prior to Gold Star rebates;

(2) energy savings obtained from measures under the Silver Star Home Energy Retrofit Program are not counted towards the simulated energy savings that determine the value of a rebate under the Gold Star Home Energy Retrofit Program; and

(3) the combined Silver Star and Gold Star rebates provided to the individual homeowner do not exceed $8,000.

(f) AVAILABILITY.—Not later than 90 days after the date of enactment of this Act, the Secretary shall ensure that Home Star retrofit rebates are available to all homeowners in the United States to the maximum extent practicable.

SEC. 103. CONTRACTORS.

(a) CONTRACTOR QUALIFICATIONS FOR SILVER STAR HOME ENERGY RETROFIT PROGRAM.—A contractor may perform retrofit work under the Silver Star Home Energy Retrofit Program in a State for which rebates are provided under this title only if the contractor meets or provides—

(1) all applicable contractor licensing requirements established by the State or, if none exist at the State level, the Secretary;

(2) insurance coverage of at least $1,000,000 for general liability, and for such other purposes and in such other amounts as required by the State;

(3) warranties to homeowners that completed work will—

(A) be free of significant defects;

(B) be installed in accordance with the specifications of the manufacturer; and

(C) perform properly for a period of at least 1 year after the date of completion of the work;

(4) an agreement to provide the owner of a home, through a discount, the full economic value of all rebates received under this title with respect to the home; and

(5) an agreement to provide the homeowner, before a contract is executed between the contractor and a homeowner covering the eligible work, a notice of —

(A) the rebate amount the contractor intends to apply for with respect to eligible work under this title; and

(B) the means by which the rebate will be passed through as a discount to the homeowner.

(b) CONTRACTOR QUALIFICATIONS FOR GOLD STAR HOME ENERGY RETROFIT PROGRAM.—A contractor may perform retrofit work under the Gold Star Home Energy Retrofit Program in a State for which rebates are provided under this title only if the contractor—

(1) meets the requirements for qualified contractors under subsection (a); and

(2) is accredited—

(A) by the BPI; or

(B) under other standards approved by the Secretary, in consultation with the Administrator.

(c) HEALTH AND SAFETY REQUIREMENTS.—Nothing in this title relieves any contractor from the obligation to comply with applicable Federal, State, and local health and safety code requirements.

SEC. 104. REBATE AGGREGATORS.

(a) IN GENERAL.—The Secretary shall develop a network of rebate aggregators that can facilitate the delivery of rebates to participating contractors and vendors for discounts provided to homeowners for energy efficiency retrofit work.

(b) RESPONSIBILITIES.—Rebate aggregators shall—

(1) review the proposed rebate application for completeness and accuracy;

(2) review measures under the Silver Star Home Energy Retrofit Program and energy savings under the Gold Star Home Energy Retrofit Program for eligibility in accordance with this title;

(3) provide data to the Federal Data Processing Center consistent with data protocols established by the Secretary; and

(4) distribute funds received from DOE to contractors, vendors, or other persons.

(c) PROCESSING REBATE APPLICATIONS.—A rebate aggregator shall—

(1) submit the rebate application to the Federal Rebate Processing Center not later than 10 days after the date of receipt of a rebate application from a contractor; and

(2) distribute funds to the contractor not later than 10 days after the date of receipt from the Federal Rebate Processing System.

(d) ELIGIBILITY.—To be eligible to apply to the Secretary for approval as a rebate aggregator, an entity shall be—

(1) a Home Performance with Energy Star partner;

(2) an entity administering a residential energy efficiency retrofit program established or approved by a State;

(3) a Federal Power Marketing Administration, an electric utility, or a natural gas utility that has—

(A) an approved residential energy efficiency retrofit program; and

(B) an established quality assurance provider network; or

(4) an entity that demonstrates to the Secretary that the entity can perform the functions of an rebate aggregator, without disrupting existing residential retrofits in the States that are incorporating the Home Star Program, including demonstration of—

(A) corporate status or status as a State or local government;

(B) the capability to provide electronic data to the Federal Rebate Processing System;

(C) a financial system that is capable of tracking the distribution of rebates to participating contractors; and

(D) coordination and cooperation by the entity with the appropriate State energy office regarding participation in the existing energy efficiency programs that will be delivering the Home Star Program.

(e) APPLICATION TO BECOME A REBATE AGGREGATOR.—Not later than 30 days after the date of receipt of an application of an entity seeking to become a rebate aggregator, the Secretary shall approve or deny the application on the basis of the eligibility criteria under subsection (d).

(f) APPLICATION PRIORITY.—In reviewing applications from entities seeking to become rebate aggregators, the Secretary shall give priority to entities that commit—

(1) to reviewing applications for participation in the program from all qualified contractors within a defined geographic region; and

(2) to processing rebate applications more rapidly than the minimum requirements established under the program.

(g) PUBLIC UTILITY COMMISSION EFFICIENCY TARGETS.—The Secretary shall—

(1) develop guidelines for States to use to allow utilities participating as rebate aggregators to count the energy savings from the participation of the utilities toward State-level energy savings targets; and

(2) work with States to assist in the adoption of the guidelines for the purposes and duration of the Home Star Retrofit Rebate Program.

SEC. 105. QUALITY ASSURANCE PROVIDERS.

(a) IN GENERAL.—An entity shall be considered a quality assurance provider under this title if the entity—

(1) is independent of the contractor;

(2) confirms the qualifications of contractors or installers of home energy efficiency retrofits;

(3) confirms compliance with the requirements of a ''certified workforce''; and

(4) performs field inspections and other measures required to confirm the compliance of the retrofit work under the Silver Star program, and the retrofit work and the simulated energy savings under the Gold Star program, based on the requirements of this title.

(b) INCLUSIONS.—An entity shall be considered a quality assurance provider under this title if the entity is qualified through—

(1) the International Code Council;

(2) the BPI;

(3) the RESNET;

(4) a State;

(5) a State-approved residential energy efficiency retrofit program; or

(6) any other entity designated by the Secretary, in consultation with the Administrator.

SEC. 106. SILVER STAR HOME ENERGY RETROFIT PROGRAM.

(a) IN GENERAL.—If the energy efficiency retrofit of a home is carried out after the date of enactment of this Act in accordance with this section, a rebate shall be awarded for the energy retrofit of a home for the installation of energy savings measures—

(1) selected from the list of energy savings measures described in subsection (b);

(2) installed in the home by a qualified contractor not later than 1 year after the date of enactment of this Act;

(3) carried out in compliance with this section; and

(4) subject to the maximum amount limitations established under subsection (d)(4).

(b) ENERGY SAVINGS MEASURES.—Subject to subsection (c), a rebate shall be awarded under this section for the installation of the following energy savings measures for a home energy retrofit that meet technical standards established under this section:

(1) Whole house air-sealing measures, in accordance with BPI standards or other procedures approved by the Secretary.

(2) Attic insulation measures that—

(A) include sealing of air leakage between the attic and the conditioned space, in accordance with BPI standards or the attic portions of the DOE or EPA thermal bypass checklist or other procedures approved by the Secretary;

(B) add at least R–19 insulation to existing insulation;

(C) result in at least R–38 insulation in DOE climate zones 1 through 4 and at least R–49 insulation in DOE climate zones 5 through 8, including existing insulation, within the limits of structural capacity; and

(D) cover at least—

(i) 100 percent of an accessible attic; or

(ii) 75 percent of the total conditioned footprint of the house.

(3) Duct seal or replacement that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary; and

(B) in the case of duct replacement, replaces and seals at least 50 percent of a distribution system of the home.

(4) Wall insulation that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary;

(B) is to full-stud thickness; and

(C) covers at least 75 percent of the total external wall area of the home.

(5) Crawl space insulation or basement wall and rim joist insulation that is installed in accordance with BPI standards or other procedures approved by the Secretary—

(A) covers at least 500 square feet of crawl space or basement wall and adds at least—

(i) R–19 of cavity insulation or R–15 of continuous insulation to existing crawl space insulation; or

(ii) R–13 of cavity insulation or R–10 of continuous insulation to basement walls; and

(B) fully covers the rim joist with at least R–10 of new continuous or R–13 of cavity insulation.

(6) Window replacement that replaces at least 8 exterior windows, or 75 percent of the exterior windows in a home, whichever is less, with windows that—

(A) are certified by the National Fenestration Rating Council; and

(B) comply with criteria applicable to windows under section 25(c) of the Internal Revenue Code of 1986.

(7) Door replacement that replaces at least 1 exterior door with doors that comply with criteria applicable to doors under the 2010 Energy Star specification for doors.

(8) Skylight replacement that replaces at least 1 skylight with skylights that comply with criteria applicable to skylights under the 2010 Energy Star specification for skylights.

(9)(A) Heating system replacement with—

(i) a natural gas or propane furnace with an AFUE rating of 92 or greater;

(ii) a natural gas or propane boiler with an AFUE rating of 90 or greater;

(iii) an oil furnace with an AFUE rating of 86 or greater and that uses an electrically commutated blower motor;

(iv) an oil boiler with an AFUE rating of 86 or greater and that has temperature reset or thermal purge controls; or

(v) a wood or wood pellet furnace, boiler, or stove, if—

(I) the new system—

(aa) meets at least 75 percent of the heating demands of the home; and

(bb) in the case of a wood stove, replaces an existing wood stove with a stove that is EPA-certified, if a voucher is provided by the installer or other responsible party certifying that the old stove has been removed and made inoperable;

(II) the home has a distribution system (such as ducts, vents, blowers, or affixed fans) that allows heat from the wood stove, furnace, or boiler to reach all or most parts of the home; and

(III) an independent test laboratory approved by the Secretary or the Administrator certifies that the new system—

(aa) has thermal efficiency (with a lower heating value) of at least 75 percent for stoves and 80 percent for furnaces and boilers; and

(bb) has particulate emissions of less than 3.0 grams per hour for wood stoves or pellet stoves, and less than 0.32 lbs per million BTU for outdoor boilers and furnaces.

(B) A rebate may be provided under this section for the replacement of a furnace or boiler described in clauses (i) through (iv) of subparagraph (A) only if the new furnace or boiler is installed in accordance with ANSI/ACCA Standard 5 QI – 2007.

(10) Automatic water temperature controllers that vary boiler water temperature in response to changes in outdoor temperature or the demand for heat, if the retrofit is to an existing boiler and not in conjunction with a new boiler.

(11) Air-conditioner or heat-pump replacement with a new unit that—

(A) is installed in accordance with ANSI/ACCA Standard 5 QI–2007; and

(B) meets or exceeds—

(i) in the case of an air-source conditioner, SEER 16 and EER 13;

(ii) in the case of an air-source heat pump, SEER 15, EER 12.5, and HSPF 8.5; and

(iii) in the case of a geothermal heat pump, Energy Star tier 2 efficiency requirements.

(12) Replacement of or with—

(A) a natural gas or propane water heater with a condensing storage water heater with an energy factor of 0.80 or more or a condensing storage water heater or tankless water heater with a thermal efficiency of 90 percent or more;

(B) a tankless natural gas or propane water heater with an energy factor of at least .82;

(C) a natural gas or propane storage water heater with an energy factor of at least .67;

(D) an indirect water heater with an insulated storage tank that—

(i) has a storage capacity of at least 30 gallons and is insulated to at least R–16; and

(ii) is installed in conjunction with a qualifying boiler described in paragraph (7);

(E) an electric water heater with an energy factor of 2.0 or more;

(F) a water heater with a solar hot water system that—

(i) is certified by the Solar Rating and Certification Corporation under specification SRCC-OG-300; or

(ii) meets technical standards established by the State of Hawaii; or

(G) a water heater installed in conjunction with a qualifying geothermal heat pump described in paragraph (11) that provides domestic water heating through the use of—

(i) year-round demand water heating capability; or

(ii) a desuperheater.

(13) Storm windows that—

(A) are installed on a least 5 single-glazed windows that do not have storm windows;

(B) are installed in a home listed on or eligible for listing in the National Register of Historic Places; and

(C) comply with any procedures that the Secretary may establish for storm windows (including installation).

(14) Roof replacement that replaces at least 75 percent of the roof area with energy-saving roof products certified under the Energy Star program.

(15) Window films that are installed on at least 8 exterior windows, doors, or skylights, or 75 percent of the total exterior square footage of glass, whichever is more, in a home with window films that—

(A) are certified by the National Fenestration Rating Council;

(B) have a Solar Heat Gain Coefficient of 0.40 or less with a visible light-to-solar heat gain ratio of at least 1.1 in 2009 International Energy Conservation Code climate zones 1 through 8; and

(C) are certified to reduce the U-factor of the National Fenestration Rating Council dual pane reference window by 0.05 or greater and are only applied to nonmetal frame dual pane windows in 2009 International Energy Conservation Code climate zones 4 through 8.

(c) INSTALLATION COSTS.—Measures described in paragraphs (1) through (15) of subsection (b) shall include expenditures for labor and other installation-related costs (including venting system modification and condensate disposal) properly allocable to the onsite preparation, assembly, or original installation of the component.

(d) AMOUNT OF REBATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the amount of a rebate provided under this section shall be $1,000 per measure for the installation of energy savings measures described in subsection (b)

(2) HIGHER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided to the owner of a home or designee under this section shall be $1,500 per measure for—

(A) attic insulation and air sealing described in subsection (b)(2);

(B) wall insulation described in subsection (b)(4);

(C) a heating system described in subsection (b)(9); and

(D) an air-conditioner or heat-pump replacement described in subsection (b)(11).

(3) LOWER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided under this section shall be—

(A) $125 per door for the installation of up to a maximum of 2 Energy Star doors described in subsection (b)(7) for each home;

(B) $125 per skylight for the installation of up to a maximum of 2 Energy Star skylights described in subsection (b)(8) for each home;

(C) $750 for a maximum of 1 natural gas or propane tankless water heater described in subsection (b)(12)(B) for each home;

(D) $450 for a maximum of 1 natural gas or propane storage water heater described in subsection (b)(12)(C) for each home;

(E) $250 for rim joist insulation described in subsection (b)(5)(B);

(F) $50 for each storm window described in subsection (b)(13);

(G) $500 for a desuperheater described in subsection (b)(12)(G)(ii);

(H) $500 for a wood or pellet stove that has a heating capacity of at least 28,000 BTU per hour (using the upper end of the range listed in the EPA list of Certified Wood Stoves) and meets all of the requirements of subsection (b)(9)(v) other than the requirements in items (aa) and (bb) of subsection (b)(9)(v)(I);

(I) $250 for an automatic water temperature controller described in subsection (b)(10);

(J) $500 for a roof described in subsection (b)(14); and

(K) $500 for window films described in subsection (b)(15).

(4) MAXIMUM AMOUNT.—The total amount of a rebate provided to the owner of a home or designee under this section shall not exceed the lower of—

(A) $3,000;

(B) the sum of the amounts per measure specified in paragraphs (1) through (3);

(C) 50 percent of the total cost of the installed measures; or

(D) the reduction in the price paid by the owner of the home, relative to the price of the installed measures in the absence of the Silver Star Home Energy Retrofit Program.

(e) INSULATION PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—

(1) IN GENERAL.—A rebate shall be awarded under this section for attic, wall, or crawl space insulation or air sealing product if—

(A) the product—

(i) qualifies for a credit under section 25C of the Internal Revenue Code of 1986 but is not the subject of a claim for the credit;

(ii) is purchased by a homeowner for installation by the homeowner in a home identified by the address of the homeowner;

(iii) is identified and attributed to a specific home in a submission by the vendor to a rebate aggregator;

(iv) is not part of—

(I) an energy savings measure described in paragraphs (6) through (11) of subsection (b); and

(II) a retrofit for which a rebate is provided under the Gold Star Home Energy Retrofit Program; and

(v) is not part of an energy savings measure described in paragraphs (1) through (5) in subsection (b) for which the homeowner received or will receive contracting services; and

(B) educational material on proper installation of the product is provided to the homeowner, including material on air sealing while insulating.

(2) AMOUNT.—A rebate under this subsection shall be awarded in an amount equal to 50 percent of the total cost of the products described in paragraph (1), but not to exceed $250 per home.

(f) QUALIFICATION FOR REBATE UNDER SILVER STAR HOME ENERGY RETROFIT PROGRAM.—On submission of a claim by a rebate aggregator to the system established under section 104, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost energy-efficiency measures installed in a home, if—

(1) the measures undertaken for the retrofit are—

(A) eligible measures described on the list established under subsection (b);

(B) installed properly in accordance with applicable technical specifications; and

(C) installed by a qualified contractor;

(2) the amount of the rebate does not exceed the maximum amount described in subsection (d)(4);

(3) not less than—

(A) 20 percent of the retrofits performed by each qualified contractor under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; or

(B) in the case of qualified contractor that uses a certified workforce, 10 percent of the retrofits performed under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; and

(4)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect, if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(g) HOMEOWNER COMPLAINTS.—

(1) IN GENERAL.—During the 1-year warranty period, a homeowner may make a complaint under the quality assurance program that compliance with the quality assurance requirements of this section has not been achieved.

(2) VERIFICATION.—

(A) IN GENERAL.—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) ADMINISTRATION.—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (f)(3); and

(ii) corrected in accordance with subsection (f)(4).

(h) AUDITS.—

(1) IN GENERAL.—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 107. GOLD STAR HOME ENERGY RETROFIT PROGRAM.

(a) IN GENERAL.—If the energy efficiency retrofit of a home is carried out after the date of enactment of this Act by an accredited contractor in accordance with this section, a rebate shall be awarded for retrofits that achieve whole home energy savings.

(b) AMOUNT OF REBATE.—Subject to subsection (e), the amount of a rebate provided to the owner of a home or a designee of the owner under this section shall be—

(1) $3,000 for a 20-percent reduction in whole home energy consumption; and

(2) an additional $1,000 for each additional 5-percent reduction up to the lower of—

(A) $8,000; or

(B) 50 percent of the total retrofit cost (including the cost of audit and diagnostic procedures).

(c) ENERGY SAVINGS.—

(1) IN GENERAL.—Reductions in whole home energy consumption under this section shall be determined by a comparison of the simulated energy consumption of the home before and after the retrofit of the home.

(2) DOCUMENTATION.—The percent improvement in energy consumption under this section shall be documented through—

(A)(i) the use of a whole home simulation software program that has been approved as a commercial alternative under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); or

(ii) a equivalent performance test established by the Secretary, in consultation with the Administrator; or

(B)(i) the use of a whole home simulation software program that has been approved under RESNET Publication No. 06–001 (or a successor publication approved by the Secretary);

(ii) an equivalent performance test established by the Secretary; or

(iii) a State-certified equivalent rating network, as specified by IRS Notice 2008–35; or

(iv) a HERS rating system required by State law.

(3) MONITORING.—The Secretary—

(A) shall continuously monitor the software packages used for determining rebates under this section; and

(B) may disallow the use of software programs that improperly assess energy savings.

(4) ASSUMPTIONS AND TESTING.—The Secretary may—

(A) establish simulation tool assumptions for the establishment of the pre-retrofit energy use;

(B) require compliance with software performance tests covering—

(i) mechanical system performance;

(ii) duct distribution system efficiency;

(iii) hot water performance; or

(iv) other measures; and

(C) require the simulation of pre-retrofit energy usage to be bounded by metered pre-retrofit energy usage.

(5) RECOMMENDED MEASURES.—The simulation tool shall have the ability at a minimum to assess the savings associated with all the measures for which incentives are specifically provided under the Silver Star Home Energy Retrofit Program.

(d) QUALIFICATION FOR REBATE UNDER GOLD STAR HOME ENERGY RETROFIT PROGRAM.—On submission of a claim by a rebate aggregator to the system established under section 104, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost whole-home retrofits, if—

(1) the retrofit is performed by an accredited contractor;

(2) the amount of the reimbursement is not more than the amount described in subsection (b);

(3) documentation described in subsection (c) is transmitted with the claim;

(4) a home receiving a whole-home retrofit is subject to random third-party field verification by a quality assurance provider in accordance with subsection (e); and

(5)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(e) VERIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), all work installed in a home receiving a whole-home retrofit by an accredited contractor under this section shall be subject to random third-party field verification by a quality assurance provider at a rate of—

(A) 15 percent; or

(B) in the case of work performed by an accredited contractor using a certified workforce, 10 percent.

(2) VERIFICATION NOT REQUIRED.—A home shall not be subject to random third-party field verification under this section if—

(A) a post-retrofit home energy rating is conducted by an eligible certifier in accordance with—

(i) RESNET Publication No. 06–001 (or a successor publication approved by the Secretary);

(ii) a State-certified equivalent rating network, as specified in IRS Notice 2008–35; or

(iii) a HERS rating system required by State law;

(B) the eligible certifier is independent of the qualified contractor or accredited contractor in accordance with RESNET Publication No. 06–001 (or a successor publication approved by the Secretary); and

(C) the rating includes field verification of measures.

(f) HOMEOWNER COMPLAINTS.—

(1) IN GENERAL.—A homeowner may make a complaint under the quality assurance program during the 1-year warranty period that compliance with the quality assurance requirements of this section has not been achieved.

(2) VERIFICATION.—

(A) IN GENERAL.—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) ADMINISTRATION.—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (e)(1); and

(ii) corrected in accordance with subsection (e).

(g) AUDITS.—

(1) IN GENERAL.—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 108. GRANTS TO STATES AND INDIAN TRIBES.

(a) IN GENERAL.—A State or Indian tribe that receives a grant under subsection (d) shall use the grant for—

(1) administrative costs;

(2) oversight of quality assurance plans;

(3) development of ongoing quality assurance framework;

(4) establishment and delivery of financing pilots in accordance with this title;

(5) coordination with existing residential retrofit programs and infrastructure development to assist deployment of the Home Star program;

(6) assisting in the delivery of services to rental units; and

(7) the costs of carrying out the responsibilities of the State or Indian tribe under the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program.

(b) INITIAL GRANTS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall make the initial grants available under this section.

(c) INDIAN TRIBES.—The Secretary shall reserve an appropriate amount of funding to be made available to carry out this section for each fiscal year to make grants available to Indian tribes under this section.

(d) STATE ALLOTMENTS.—From the amounts made available to carry out this section for each fiscal year remaining after the reservation required under subsection (c), the Secretary shall make grants available to States in accordance with section 115.

(e) QUALITY ASSURANCE PROGRAMS.—

(1) IN GENERAL.—A State or Indian tribe may use a grant made under this section to carry out a quality assurance program that is—

(A) operated as part of a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.);

(B) managed by the office or the designee of the office that is—

(i) responsible for the development of the plan under section 362 of that Act (42 U.S.C. 6322); and

(ii) to the maximum extent practicable, conducting an existing energy efficiency program; and

(C) in the case of a grant made to an Indian tribe, managed by an entity designated by the Indian tribe to carry out a quality assurance program or a national quality assurance program manager.

(2) NONCOMPLIANCE.—If the Secretary determines that a State or Indian tribe has not provided or cannot provide adequate oversight over a quality assurance program to ensure compliance with this title, the Secretary may—

(A) withhold further quality assurance funds from the State or Indian tribe; and

(B) require that quality assurance providers operating in the State or by the Indian tribe be overseen by a national quality assurance program manager selected by the Secretary.

(f) IMPLEMENTATION.—A State or Indian tribe that receives a grant under this section may implement a quality assurance program through the State, the Indian tribe, or a third party designated by the State or Indian tribe, including—

(1) an energy service company;

(2) an electric utility;

(3) a natural gas utility;

(4) a third-party administrator designated by the State or Indian tribe; or

(5) a unit of local government.

(g) PUBLIC-PRIVATE PARTNERSHIPS.—A State or Indian tribe that receives a grant under this section are encouraged to form partnerships with utilities, energy service companies, and other entities—

(1) to assist in marketing a program;

(2) to facilitate consumer financing;

(3) to assist in implementation of the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program, including installation of qualified energy retrofit measures; and

(4) to assist in implementing quality assurance programs.

(h) COORDINATION OF REBATE AND EXISTING STATE-SPONSORED PROGRAMS.—

(1) IN GENERAL.—A State or Indian tribe shall, to the maximum extent practicable, prevent duplication through coordination of a program authorized under this title with—

(A) the Energy Star appliance rebates program authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115); and

(B) comparable programs planned or operated by States, political subdivisions, electric and natural gas utilities, Federal power marketing administrations, and Indian tribes.

(2) EXISTING PROGRAMS.—In carrying out this subsection, a State or Indian tribe shall—

(A) give priority to—

(i) comprehensive retrofit programs in existence on the date of enactment of this Act, including programs under the supervision of State utility regulators; and

(ii) using Home Star funds made available under this title to enhance and extend existing programs; and

(B) seek to enhance and extend existing programs by coordinating with administrators of the programs.

SEC. 109. QUALITY ASSURANCE FRAMEWORK.

(a) IN GENERAL.—Not later than 180 days after the date that the Secretary initially provides funds to a State under this title, the State shall submit to the Secretary a plan to implement a quality assurance program that covers all federally assisted residential efficiency retrofit work administered, supervised, or sponsored by the State.

(b) IMPLEMENTATION.—The State shall—

(1) develop a quality assurance framework in consultation with industry stakeholders, including representatives of efficiency program managers, contractors, and environmental, energy efficiency, and labor organizations; and

(2) implement the quality assurance framework not later than 1 year after the date of enactment of this Act.

(c) COMPONENTS.—The quality assurance framework established under this section shall include—

(1) a requirement that contractors be prequalified in order to be authorized to perform federally assisted residential retrofit work;

(2) maintenance of a list of prequalified contractors authorized to perform federally assisted residential retrofit work; and

(3) minimum standards for prequalified contractors that include—

(A) accreditation;

(B) legal compliance procedures;

(C) proper classification of employees; and

(D) maintenance of records needed to verify compliance;

(4) targets and realistic plans for—

(A) the recruitment of small minority or women-owned business enterprises;

(B) the employment of graduates of training programs that primarily serve low-income populations with a median income that is below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by that section)) by participating contractors; and

(5) a plan to link workforce training for energy efficiency retrofits with training for the broader range of skills and occupations in construction or emerging clean energy industries.

(d) NONCOMPLIANCE.—If the Secretary determines that a State has not taken the steps required under this section, the Secretary shall provide to the State a period of at least 90 days to comply before suspending the participation of the State in the program.

SEC. 110. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the use of funds under this title.

(b) CONTENTS.—The report shall include a description of—

(1) the energy savings produced as a result of this title;

(2) the direct and indirect employment created as a result of the programs supported by the funds provided under this title;

(3) the specific entities implementing the energy efficiency programs;

(4) the beneficiaries who received the efficiency improvements;

(5) the manner in which funds provided under this title were used;

(6) the sources (such as mortgage lenders, utility companies, and local governments) and types of financing used by the beneficiaries to finance the retrofit expenses that were not covered by grants provided under this title; and

(7) the results of verification requirements; and

(8) any other information the Secretary considers appropriate

(c) NONCOMPLIANCE.—If the Secretary determines that a rebate aggregator, State, or Indian tribe has not provided the information required under this section, the Secretary shall provide to the rebate aggregator, State, or Indian tribe a period of at least 90 days to provide any necessary information, subject to penalties imposed by the Secretary for entities other than States and Indian tribes, which may include withholding of funds or reduction of future grant amounts.

SEC. 111. ADMINISTRATION.

(a) IN GENERAL.—Subject to section 115(b), not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators, States, and Indian tribes as is necessary to carry out the functions designated to States under this title.

(b) APPOINTMENT OF PERSONNEL.—Notwithstanding the provisions of title 5, United States Code, governing appointments in the competitive service and General Schedule classifications and pay rates, the Secretary may appoint such professional and administrative personnel as the Secretary considers necessary to carry out this title.

(c) RATE OF PAY.—The rate of pay for a person appointed under subsection (a) shall not exceed the maximum rate payable for GS–15 of the General Schedule under chapter 53 of title 5, United States Code.

(d) CONSULTANTS.—Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), the Secretary may retain such consultants on a noncompetitive basis as the Secretary considers necessary to carry out this title.

(e) CONTRACTING.—In carrying out this title, the Secretary may waive all or part of any provision of the Competition in Contracting Act of 1984 (Public Law 98–369; 98 Stat. 1175), an amendment made by that Act, or the Federal Acquisition Regulation on a

determination that circumstances make compliance with the provisions contrary to the public interest.

(f) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding section 553 of title 5, United States Code, the Secretary may issue regulations that the Secretary, in the sole discretion of the Secretary, determines necessary to carry out the Home Star Retrofit Rebate Program.

(2) DEADLINE.—If the Secretary determines that regulations described in paragraph (1) are necessary, the regulations shall be issued not later than 60 days after the date of the enactment of this Act.

(g) INFORMATION COLLECTION.—Chapter 35 of title 44, United States Code, shall not apply to any information collection requirement necessary for the implementation of the Home Star Retrofit Rebate Program.

(h) ADJUSTMENT OF REBATE AMOUNTS.—Effective beginning on the date that is 180 days after the date of enactment of this Act, the Secretary may, after not less than 30 days public notice, prospectively adjust the rebate amounts provided in this section based on—

(1) the use of the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program; and

(2) other program data.

SEC. 112. TREATMENT OF REBATES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, rebates received for eligible measures under this title—

(1) shall not be considered taxable income to a homeowner;

(2) shall prohibit the consumer from applying for a tax credit allowed under section 25C, 25D, or 25E of that Code for the same eligible measures performed in the home of the homeowner; and

(3) shall be considered a credit allowed under section 25C, 25D, or 25E of that Code for purposes of any limitation on the amount of the credit under that section.

(b) NOTICE.—

(1) IN GENERAL.—A participating contractor shall provide notice to a homeowner of the provisions of subsection (a) before eligible work is performed in the home of the homeowner.

(2) NOTICE IN REBATE FORM.—A homeowner shall be notified of the provisions of subsection (a) in the appropriate rebate form developed by the Secretary, in consultation with the Secretary of the Treasury.

(3) AVAILABILITY OF REBATE FORM.—A participating contractor shall obtain the rebate form on a designated website in accordance with section 102(b)(1)(A)(iii).

SEC. 113. PENALTIES.

(a) IN GENERAL.—It shall be unlawful for any person to violate this title (including any regulation issued under this title), other than a violation as the result of a clerical error.

(b) CIVIL PENALTY.—Any person who commits a violation of this title shall be liable to the United States for a civil penalty in an amount that is not more than the higher of—

(1) $15,000 for each violation; or

(2) 3 times the value of any associated rebate under this title.

(c) ADMINISTRATION.—The Secretary may—

(1) assess and compromise a penalty imposed under subsection (b); and

(2) require from any entity the records and inspections necessary to enforce this title.

(d) FRAUD.—In addition to any civil penalty, any person who commits a fraudulent violation of this title shall be subject to criminal prosecution.

SEC. 114. HOME STAR ENERGY EFFICIENCY LOAN PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTICIPANT.—The term ''eligible participant'' means a homeowner who receives financial assistance from a qualified financing entity to carry out energy efficiency or renewable energy improvements to an existing home or other residential building of the homeowner in accordance with the Gold Star Home Energy Retrofit Program or the Silver Star Home Energy Retrofit Program.

(2) PROGRAM.—The term ''program'' means the Home Star Energy Efficiency Loan Program established under subsection (b).

(3) QUALIFIED FINANCING ENTITY.—The term ''qualified financing entity'' means a State, political subdivision of a State, tribal government, electric utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is designated by the Governor of a State in accordance with subsection (e).

(4) QUALIFIED LOAN PROGRAM MECHANISM.—The term ''qualified loan program mechanism'' means a loan program that is—

(A) administered by a qualified financing entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(b) ESTABLISHMENT.—The Secretary shall establish a Home Star Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making, to existing homes, energy efficiency improvements that qualify under the Gold Star Home Energy Retrofit Program or the Silver Star Home Energy Retrofit Program.

(c) ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.—To be eligible to participate in the program, a qualified financing entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements described in subsection (b);

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards that are at least as stringent as the standards provided under sections 106 and 107; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with—

(A) with respect to unsecured consumer loan programs, standard underwriting criteria used under the energy loan program of the Federal National Mortgage Association; or

(B) with respect to secured loans or other forms of financial assistance, commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) ALLOCATION.—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(e) QUALIFIED FINANCING ENTITIES.—Before making funds available to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified financing entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy or energy efficiency services contracts;

(v) energy efficiency power purchase agreements;

(vi) unsecured loans applying the underwriting requirements of the energy loan program of the Federal National Mortgage Association; or

(vii) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(C) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (h).

(f) USE OF FUNDS.—Funds made available to States under the program may be used to support financing products offered by qualified financing entities to eligible participants for eligible energy efficiency work, by providing—

(1) interest rate reductions;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified financing entities may offer direct loans; or

(4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of energy efficiency finance programs.

(g) USE OF REPAYMENT FUNDS.—In the case of a revolving loan fund established by a State described in subsection (f)(3), a qualified financing entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements described in subsection (b) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(h) PROGRAM EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

(1) how many eligible participants have participated in the program;

(2) how many jobs have been created through the program, directly and indirectly;

(3) what steps could be taken to promote further deployment of energy efficiency and renewable energy retrofits;

(4) the quantity of verifiable energy savings, homeowner energy bill savings, and other benefits of the program; and

(5) the performance of the programs carried out by qualified financing entities under this section, including information on the rate of default and repayment.

(i) CREDIT SUPPORT FOR FINANCING PROGRAMS.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) in subsection (a), by adding at the end the following:

''(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment, including financing programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment.''.

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

''(e) CREDIT SUPPORT FOR FINANCING PROGRAMS.—

''(1) IN GENERAL.—In the case of programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment described in subsection (a)(4), the Secretary may—

''(A) offer loan guarantees for portfolios of debt obligations; and

''(B) purchase or make commitments to purchase portfolios of debt obligations.

''(2) TERM.—Notwithstanding section 1702(f), the term of any debt obligation that receives credit support under this subsection shall require full repayment over a period not to exceed the lesser of—

''(A) 30 years; and

''(B) the projected weighted average useful life of the measure or system financed by the debt obligation or portfolio of debt obligations (as determined by the Secretary).

''(3) UNDERWRITING.—The Secretary may—

''(A) delegate underwriting responsibility for portfolios of debt obligations under this subsection to financial institutions that meet qualifications determined by the Secretary; and

''(B) determine an appropriate percentage of loans in a portfolio to review in order to confirm sound underwriting.

''(4) ADMINISTRATION.—Subsections (c) and (d)(3) of section 1702 and subsection (c) of this section shall not apply to loan guarantees made under this subsection.''.

(j) TERMINATION OF EFFECTIVENESS.—The authority provided by this section and the amendments made by this section terminates effective on the date that is 2 years after the date of enactment of this Act.

SEC. 115. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to subsection (j), there is authorized to be appropriated to carry out this title $5,000,000,000 for the period of fiscal years 2010 through 2012.

(2) MAINTENANCE OF FUNDING.—Funds provided under this section shall supplement and not supplant any Federal and State funding provided to carry out energy efficiency programs in existence on the date of enactment of this Act.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—Of the amount provided under subsection (a), $380,000,000 or not more than 6 percent, whichever is less, shall be used to carry out section 108.

(2) DISTRIBUTION TO STATE ENERGY OFFICES.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(i) provide to State energy offices 25 percent of the funds described in paragraph (1); and

(ii) determine a formula to provide the balance of funds to State energy offices through a performance-based system.

(B) ALLOCATION.—

(i) ALLOCATION FORMULA.—Funds described in subparagraph (A)(i) shall be made available in accordance with the allocation formula for State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C.6321 et seq.).

(ii) PERFORMANCE-BASED SYSTEM.—The balance of the funds described in subparagraph (A)(ii) shall be made available in accordance with the performance-based system described in subparagraph (A)(ii).

(c) QUALITY ASSURANCE COSTS.—

(1) IN GENERAL.—Of the amount provided under subsection (a), not more than 5 percent shall be used to carry out the quality assurance provisions of this title.

(2) MANAGEMENT.—Funds provided under this subsection shall be overseen by—

(A) State energy offices described in subsection (b)(2); or

(B) other entities determined by the Secretary to be eligible to carry out quality assurance functions under this title.

(3) DISTRIBUTION TO QUALITY ASSURANCE PROVIDERS OR REBATE AGGREGATORS.—The Secretary shall use funds provided under this subsection to compensate quality assurance providers, or rebate aggregators, for services under the Silver Star Home Energy Retrofit Program or the Gold Star Home Energy Retrofit Program through the Federal Rebate Processing Center based on the services provided to contractors under a quality assurance program and rebate aggregation.

(4) INCENTIVES.—The amount of incentives provided to quality assurance providers or rebate aggregators shall be—

(A)(i) in the case of the Silver Star Home Energy Retrofit Program—

(I) $25 per rebate review and submission provided under the program; and

(II) $150 for each field inspection conducted under the program; and

(ii) in the case of the Gold Star Home Energy Retrofit Program—

(I) $35 for each rebate review and submission provided under the program; and

(II) $300 for each field inspection conducted under the program; or

(B) such other amounts as the Secretary considers necessary to carry out the quality assurance provisions of this title.

(d) TRACKING OF REBATES AND EXPENDITURES.—Of the amount provided under subsection (a), not more than $150,000,000 shall be used for costs associated with database systems to track rebates and expenditures under this title and related administrative costs incurred by the Secretary.

(e) PUBLIC EDUCATION AND COORDINATION.—Of the amount provided under subsection (a), not more than $10,000,000 shall be used for costs associated with public education and coordination with the Federal Energy Star program incurred by the Administrator.

(f) INDIAN TRIBES.—Of the amount provided under subsection (a), the Secretary shall reserve not more than 3 percent to make grants available to Indian tribes under this section.

(g) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—

(1) IN GENERAL.—In the case of the Silver Star Home Energy Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (e), $2,751,000,000 for the 1-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Silver Star Home Energy Retrofit Program.

(2) PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—Of the amounts made available for the Silver Star Home Energy Retrofit Program under this section, not more than $250,000,000 shall be made available for rebates under section 106(e).

(h) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—In the case of the Gold Star Home Energy Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (e), $1,349,000,000 for the 2-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Gold Star Home Energy Retrofit Program.

(i) PROGRAM REVIEW AND BACKSTOP FUNDING.—

(1) REVIEW AND ANALYSIS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall perform a State-by-State analysis and review the distribution of Home Star retrofit rebates under this title.

(B) RENTAL UNITS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall perform a review and analysis, with input and review from the Secretary of Housing and Urban Development, of the procedures for delivery of services to rental units.

(2) ADJUSTMENT.—The Secretary may allocate technical assistance funding to assist States that, as determined by the Secretary—

(A) have not sufficiently benefitted from the Home Star Retrofit Rebate Program; or

(B) in which rental units have not been adequately served.

(j) RETURN OF UNDISBURSED FUNDS.—

(1) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Silver Star Home Energy Retrofit Program by the date that is 1 year after the date of enactment of this Act, any undisbursed funds shall be made available to the Gold Star Home Energy Retrofit Program.

(2) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Gold Star Home Energy Retrofit Program by the date that is 2 years after the date of enactment of this Act, any undisbursed funds shall be returned to the Treasury.

(k) FINANCING.—Of the amounts allocated to the States under subsection (b), not less than $200,000,000 shall be used to carry out the financing provisions of this title in accordance with section 114.

TITLE II—PERFORMANCE BASED ENERGY IMPROVEMENT TAX CREDITS

SEC. 201. PERFORMANCE BASED ENERGY IMPROVEMENTS FOR NONBUSINESS PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

''SEC. 25E. PERFORMANCE BASED ENERGY IMPROVEMENTS.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the amount of qualified home energy efficiency expenditures paid or incurred by the taxpayer during the taxable year.

''(b) LIMITATIONS.—

''(1) DOLLAR LIMITATION.—

''(A) IN GENERAL.—The amount of the credit allowed under subsection (a) with respect to any individual for any taxable year shall not exceed the amount determined under subparagraph (B) with respect to the principal residence of such individual.

''(B) AMOUNT DETERMINED.—

''(i) IN GENERAL.—Subject to clause (iv), the amount determined under this subparagraph is the base amount increased by the amount determined under clause (iii).

''(ii) BASE AMOUNT.—For purposes of this subparagraph, the base amount is—

''(I) $3,000, in the case of a residence the construction of which is completed before January 1, 2000, and

''(II) $2,000, in the case of a residence the construction of which is completed after December 31, 1999.

''(iii) INCREASE AMOUNT.—The amount determined under this clause is—

''(I) in the case of a residence described in clause (ii)(I) which has a rating system score equal to the rating system score which corresponds to the IECC Standard Reference Design for a home of the size and in the climate zone of such residence, $1,000, and

''(II) in the case of any residence with a rating system score which is lower than that which corresponds to such IECC Standard Reference Design by not less than 5 points, $500 for each 5 points by which the rating system score which corresponds to such IECC Standard Reference Design exceeds the rating system score of such residence (in addition to the amount provided under clause (i), if applicable).

''(iv) LIMITATION.—In no event shall the amount determined under this subparagraph exceed $8,000 with respect to any individual.

''(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of taxable years to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section and sections 23, 24, and 25B) and section 27 for the taxable year.

''(c) QUALIFIED HOME ENERGY EFFICIENCY EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified home energy efficiency expenditures' means any amount paid or incurred for a qualified whole home energy efficiency retrofit, including the cost of audit diagnostic procedures, of a principal residence of the taxpayer which is located in the United States.

''(2) QUALIFIED WHOLE HOME ENERGY EFFICIENCY RETROFIT.—

''(A) IN GENERAL.—The term 'qualified whole home energy efficiency retrofit' means a retrofit of an existing residence if, after such retrofit, such residence—

''(i) has a rating system score of not greater than—

''(I) 100, determined under the HERS Index, in the case of a residence the construction of which is completed before January 1, 2000, and

''(II) the rating system score which corresponds to the IECC Standard Reference Design for a home of the size and in the climate zone of such residence, in the case of a residence the construction of which is completed after December 31, 1999, or

''(ii) achieves a degree of energy efficiency improvement which is equivalent to the standard applicable to such residence under clause (i), as determined by the Secretary.

For purposes of the preceding sentence, the HERS Index is the HERS Index established by the Residential Energy Services Network, as in effect on January 1, 2011.

''(B) ACCREDITATION RULE.—A retrofit shall not be treated as a qualified whole home energy efficiency retrofit unless such retrofit is conducted by a company which is accredited by the Building Performance Institute, or which fulfills an equivalent standard as determined by the Secretary.

''(C) DETERMINATION OF RATING SYSTEM SCORE OR EQUIVALENT.—

''(i) IN GENERAL.—Subject to clause (ii), the rating system score of a residence, or the equivalent described in subparagraph (A)(ii), shall be determined by an auditor or rater certified by the Residential Energy Services Network or the Building Performance Institute.

''(ii) SECRETARIAL DETERMINATION.—At the discretion of the Secretary, the Secretary may, in consultation with the Secretary of Energy, determine an alternative standard for certification of an auditor or rater for purposes of determining the rating system score (or equivalent described in subparagraph (A)(ii)) of a residence. If the Secretary establishes such an alternative standard, clause (i) shall cease to apply unless the Secretary determines otherwise.

''(D) REGULATIONS.—Not later than December 31, 2011, in consultation with the Secretary, the Secretary of Energy shall prescribe regulations which specify the costs with respect to energy improvements which may be taken into account under this paragraph as part of a qualified whole home energy efficiency retrofit.

''(3) NO DOUBLE BENEFIT.—

''(A) IN GENERAL.—No credit shall be allowed under this section for any taxable year in which the taxpayer elects the credit under section 25C.

''(B) NO DOUBLE BENEFIT FOR CERTAIN EXPENDITURES.—The term 'qualified home energy efficiency expenditures' shall not include any expenditure for which a deduction or credit is otherwise allowed to the taxpayer under this chapter for the taxable year or with respect to which the taxpayer receives any Federal rebate.

''(4) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121, except that—

''(A) no ownership requirement shall be imposed, and

''(B) the period for which a building is treated as used as a principal residence shall also include the 60-day period ending on the 1st day on which it would (but for this subparagraph) first be treated as used as a principal residence.

''(d) RATING SYSTEM SCORE.—For purposes of this section—

''(1) IN GENERAL.—Subject to paragraph (2), the rating system score shall be the score assigned under the HERS Index established by the Residential Energy Services Network.

''(2) SECRETARIAL DETERMINATION.—At the discretion of the Secretary, the Secretary may, in consultation with the Secretary of Energy, determine an alternative rating system (including an alternative system based on the HERS Index established by the Residential Energy Services Network). If the Secretary establishes such an alternative rating system, the rating system score with respect to any residence shall be the score assigned under such alternative rating system.

''(e) IECC STANDARD REFERENCE DESIGN.—

''(1) IN GENERAL.—The term 'IECC Standard Reference Design' means the Standard Reference Design determined under the International Energy Conservation Code in effect for the taxable year in which the credit under this section is determined.

''(2) LIMITATION TO RESIDENCES CONSTRUCTED AFTER EFFECTIVE DATE OF MOST RECENT CODE.—No credit shall be allowed under this section with respect to a principal residence the construction of which is completed after the effective date of the International Energy Conservation Code in effect for the taxable year for which such credit would otherwise be determined.

''(f) SPECIAL RULES.—For purposes of this section, rules similar to the rules under paragraphs (4), (5), (6), (7), and (8) of section 25D(e) and section 25C(e)(2) shall apply.

''(g) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section with respect to any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(h) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.

''(i) TERMINATION.—This section shall not apply with respect to any costs paid or incurred after December 31, 2013.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 26(a)(1) of the Internal Revenue Code of 1986 is amended by inserting ''25E,'' after ''25D''.

(2) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 25E(g).''.

(3) Section 6501(m) of such Code is amended by inserting ''25E(h),'' after ''section''.

(4) The table of sections for subpart A of part IV of subchapter A chapter 1 of such Code is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Performance based energy improvements.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2010.

By Mr. REID. (for himself, Mr. ENSIGN, Mr. HARKIN, Mr. TESTER, Mr. BENNET, and Ms. KLOBUCHAR):

S. 3438. A bill to promote clean energy infrastructure for rural communities; to the Committee on Finance.

Mr. REID. Mr. President, in 1935, President Franklin Delano Roosevelt signed the Rural Electrification Act to bring electricity to the sparsely-populated rural areas of our vast Nation. Today, with advances in renewable energy from the sun, the wind, water, and geothermal energy beneath the Earth's surface, our rural communities are ready to produce clean, renewable electricity and sell it to cities and towns. Just as our national highway system grew out of the network of farm roads to bring agricultural products to market, our electric transmission system needs connections to rural areas to bring our abundant rural renewable energy resources to load centers. For example, Nye and Lincoln counties in Nevada have the potential to generate more solar and wind energy than their small populations can use. Without transmission to connect these rural areas to load centers, they cannot fully develop their local renewable energy industry and are losing out on important opportunities to create jobs and diversify their economies.

That is why I am introducing two bills today to give rural communities more options to finance the clean energy infrastructure we need to develop our rich renewable resources. These two bills would help rural communities fund clean energy infrastructure, which will create many short and long term jobs and attract badly needed investment in rural Nevada's struggling economy. While Nevada is in an especially good position to benefit from this bill, I am pleased to be joined by Senators ENSIGN, HARKIN, TESTER, MICHAEL BENNET, and KLOBUCHAR whose states also have renewable energy resources stranded by a lack of transmission.

Existing government loan and tax-exempt bond programs are available to finance rural renewable generation, but not to finance the connections between that generation and the high-voltage

transmission system that carries electricity to load centers. These proposed bills would provide three ways to finance important transmission for rural renewable generators—through the USDA Rural Utilities Service, through modifications to the Clean Renewable Energy Bond, CREB, program, and through modifications to the Exempt Facility Bonds program.

As we have seen with the electric and telephone infrastructure financed by the USDA Rural Utilities Service since 1935, energy infrastructure is crucial to economic development for rural communities. Natural gas pipelines crisscross rural communities, but small towns near these pipelines lack natural gas today. Some of these towns, including some in Nevada, have plans for natural gas distribution systems and local economic development that depend on access to natural gas. Federal programs to provide loans, loan guarantees, or tax-exempt bonds do not fit these plans.

The USDA does not currently finance these types of projects. My bill would allow the USDA to finance natural gas systems to connect rural communities to natural gas pipelines. Access to natural gas will provide these communities with a clean, efficient energy source, and encourage economic development.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3438

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 ''Clean Transmission for Rural Communities Act of 2010''.

SEC. 2. TRANSMISSION FOR RENEWABLES.

(a) CLARIFICATION OF QUALIFIED FACILITIES FOR CLEAN RENEWABLE ENERGY BONDS.—

(1) IN GENERAL.—Section 54C(d)(1) of the Internal Revenue Code of 1986 is amended by inserting '', or a facility primarily for the purpose of interconnecting one or more such qualified facilities to a high-voltage transmission line'' after ''electric company''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after the date of enactment of this Act.

(b) TAX-EXEMPT FINANCING OF CERTAIN ELECTRIC TRANSMISSION FACILITIES.—

(1) IN GENERAL.—Subsection (a) of section 142 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or'' at the end of paragraph (14),

(B) by striking the period at the end of paragraph (15) and inserting '', or'', and

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

''(16) qualified electric transmission facilities.''.

(2) DEFINITION.—Section 142 of such Code is amended by adding at the end the following new subsection:

''(n) QUALIFIED ELECTRIC TRANSMISSION FACILITIES.—

''(1) IN GENERAL.—For purposes of subsection (a)(16), the term 'qualified electric transmission facility' means any electric transmission facility which is—

''(A) owned by—

''(i) a State or political subdivision of a State, or any agency, authority, or instrumentality of any of the foregoing, providing electric service, directly or indirectly to the public, or

''(ii) a State or political subdivision of a State expressly authorized under State law to finance and own electric transmission facilities; and

''(B) primarily for the purpose of interconnecting one or more renewable energy facilities to a high-voltage transmission line.

''(2) TERMINATION.—Subsection (a)(16) shall not apply with respect to any bond issued after December 31, 2011.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to bonds issued after the date of enactment of this Act.

By Mr. REID (for himself, Mr. ENSIGN, Mr. HARKIN, Mr. TESTER, Mr. BENNET, and Ms. KLOBUCHAR):

S. 3439. A bill to promote clean energy infrastructure for rural communities; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3439

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 ''Clean Energy Infrastructure for Rural Communities Act of 2010''.

SEC. 2. ELECTRIC LOANS FOR RENEWABLE ENERGY.

Section 317 of the Rural Electrification Act of 1936 (7 U.S.C. 940g) is amended—

(1) in subsection (b)—

(A) by striking ''for electric generation'' and inserting ''for—

''(1) electric generation'';

(B) by striking the period at the end and inserting''; and''; and

(C) by adding at the end the following:

''(2) transmission facilities primarily for the purpose of interconnecting one or more renewable energy facilities to a high-voltage transmission line.''; and

(2) by striking subsection (c).

SEC. 3. RURAL NATURAL GAS INFRASTRUCTURE.

Section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

''(B) NATURAL GAS.—The term 'natural gas' means —

''(i) unmixed natural gas; or

''(ii) any mixture of natural and artificial gas.''; and

(2) in paragraph (2)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) improving the economic and environmental climate by encouraging the development and construction of infrastructure to provide access to natural gas in rural communities; and''.

By Mr. GRASSLEY:

S. 3440. A bill to amend the Internal Revenue Code of 1986 to extend the incentives for biodiesel and renewable diesel; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3440

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 ''Emergency Biodiesel Tax Incentive Extension Act of 2010''.

SEC. 2. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(2) Subparagraph (B) of section 6427(e)(6) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

By Mr. DURBIN (himself and Mr. GREGG):

S. 3441. A bill to provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to introduce legislation designed to improve educational opportunities for struggling students. The All Students Achieving Through Reform Act, or All-STAR Act, would provide Federal resources to the most successful charter schools to help them grow and replicate.

Last week, I visited the KIPP Ascend Charter School in Chicago. You might have heard of the KIPP charter schools. The first KIPP school was founded in Texas by two Teach for America teachers. Mike Feinberg and Dave Levin wanted to start a school that would inspire high achievement for students living in disadvantaged communities. The 82 KIPP schools nationwide focus on high expectations, an intense academic curriculum, expanded school days and years, parental involvement, and high quality teachers. The results are impressive. While less than one in five low-income students attends college nationally, KIPP's college matriculation rate stands at more than 85 percent for students who complete the 8th grade at KIPP. More than 90 percent of KIPP alumni go on to college-preparatory high schools. Collectively, they have earned millions of

dollars in scholarships and financial aid since 2000.

I saw this success when I visited Chicago's KIPP school. Students at KIPP Ascend are actively engaged in learning and their teachers are energetic and inspiring. The students there are outscoring their peers in other Chicago Public Schools, and 100 percent of the 8th graders who have graduated from KIPP Ascend have been accepted to college-preparatory high schools.

Right now there is only one KIPP school in Chicago, but there should be more. The bill I am introducing today with Senator GREGG would help make that possible. Currently, federal funding for charter schools can only be used to create new schools, not expand or replicate existing schools. My bill would create new grants within the existing charter school program to fund the expansion and replication of the most successful charter schools. Schools in Chicago, like KIPP and Noble Street, that have achieved amazing results with their students will be able to apply for federal grants to expand their schools to additional grades or replicate the model to a new school. Successful charters across the country will be able to grow more easily, providing better educational opportunities to thousands of students.

The bill also incentivizes the adoption of strong charter school policies by states. We know that successful charter schools thrive when they have autonomy, freedom to grow, and strong accountability based on meeting performance targets. The bill would give grant priority to States that provide that environment. The bill also requires new levels of charter school authorizer reporting and accountability to ensure that good charter schools are able to succeed while bad charter schools are improved or shut down.

This bill will improve educational opportunities for students across the Nation. Charter schools represent some of the brightest spots in urban education today, and successful models have the full support of the President and Secretary Duncan. We need to help these schools grow and bring their best lessons into our regular public schools so that all students can benefit. This bill has the support of more than 25 education organizations including some of the Nation's highest performing charter networks like KIPP and Green Dot. Supporting the growth of successful charter schools should be a part of the conversation when we take up reauthorization of the Elementary and Secondary Education Act. I thank Senator GREGG and Representative POLIS in the House for joining me in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3441

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 ''All Students Achieving through Reform Act of 2010'' or ''All-STAR Act of 2010''.

SEC. 2. CHARTER SCHOOL EXPANSION AND REPLICATION.

(a) IN GENERAL.—Subpart 1 of part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221 et seq.) is amended—

(1) by striking section 5212;

(2) by redesignating section 5210 as section 5211; and

(3) by inserting after section 5209 the following:

''SEC. 5210. CHARTER SCHOOL EXPANSION AND REPLICATION.

''(a) PURPOSE.—It is the purpose of this section to support State efforts to expand and replicate high-quality public charter schools to enable such schools to serve additional students, with a priority to serve those students who attend identified schools or schools with a low graduation rate.

''(b) SUPPORT FOR PROVEN CHARTER SCHOOLS AND INCREASING THE SUPPLY OF HIGH-QUALITY CHARTER SCHOOLS.—

''(1) GRANTS AUTHORIZED.—From the amounts appropriated under section 5200 for any fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to make subgrants to eligible public charter schools under subsection (e)(1) and carry out the other activities described in subsection (e), in order to allow the eligible public charter schools to serve additional students through the expansion and replication of such schools.

''(2) AMOUNT OF GRANTS.—In determining the grant amount to be awarded under this subsection to an eligible entity, the Secretary shall consider—

''(A) the number of eligible public charter schools under the jurisdiction or in the service area of the eligible entity that are operating;

''(B) the number of openings for new students that could be created in such schools with such grant;

''(C) the number of students eligible for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) who are on waiting lists for charter schools under the jurisdiction or in the service area of the eligible entity, and other information with respect to charter schools in such jurisdiction or the service area that suggest the interest of parents in charter school enrollment for their children;

''(D) the number of students attending identified schools or schools with a low graduation rate in the State or area where an eligible entity intends to replicate or expand eligible public charter schools; and

''(E) the success of the eligible entity in overseeing public charter schools and the likelihood of continued or increased success because of the grant under this section.

''(3) DURATION OF GRANTS.—A grant under this section shall be for a period of not more than 5 years, except that an eligible entity receiving such grant may, at the discretion of the Secretary, continue to expend grant funds after the end of the grant period.

''(c) APPLICATION REQUIREMENTS.—

''(1) APPLICATION REQUIREMENTS.—To be considered for a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONTENTS.—The application described in paragraph (1) shall include, at a minimum, the following:

''(A) RECORD OF SUCCESS.—Documentation of the record of success of the eligible entity in overseeing or operating public charter schools, including—

''(i) the performance of public charter school students on the academic assessments described in section 1111(b)(3) of the State where such schools are located, disaggregated by—

''(I) economic disadvantage;

''(II) race and ethnicity;

''(III) disability status; and

''(IV) status as a student with limited English proficiency;

''(ii) the status of such schools under section 1116 in making adequate yearly progress or as identified schools; and

''(iii) in the case of public charter schools that are secondary schools, the graduation rates and rates of college acceptance, enrollment, and persistence of students, where possible.

''(B) PLAN.—A plan for—

''(i) replicating and expanding eligible public charter schools operated or overseen by the eligible entity;

''(ii) identifying eligible public charter schools, or networks of eligible public charter schools, to receive subgrants under this section;

''(iii) increasing the number of openings in eligible public charter schools for students attending identified schools and schools with a low graduation rate;

''(iv) ensuring that eligible public charter schools receiving a subgrant under this section enroll students through a random lottery for admission, unless the charter school is using the subgrant to expand the school to serve additional grades, in which case such school may reserve seats in the additional grades for—

''(I) each student enrolled in the grade preceding each such additional grade;

''(II) siblings of students enrolled in the charter school, if such siblings desire to enroll in such grade; and

''(III) children of the charter school's founders, staff, or employees;

''(v)(I) in the case of an eligible entity described in subparagraph (A) or (C) of subsection (k)(4), the manner in which the eligible entity will work with identified schools and schools with a low graduation rate that are eligible to enroll students in a public charter school receiving a subgrant under this section and that are under the eligible entity's jurisdiction, and the local educational agencies serving such schools, to—

''(aa) engage in community outreach, provide information in a language that the parents can understand, and communicate with parents of students at identified schools and schools with a low graduation rate who are eligible to attend a public charter school receiving a subgrant under this section about the opportunity to enroll in or transfer to such school, in a manner consistent with section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974'); and

''(bb) ensure that a student can transfer to an eligible public charter school if the public charter school such student was attending in the previous school year is no longer an eligible public charter school; and

''(II) in the case of an eligible entity described in subparagraph (B) or (D) of subsection (k)(4), the manner in which the eligible entity will work with the local educational agency to carry out the activities described in items (aa) and (bb) of subclause (I); and

''(vi) disseminating to public schools under the jurisdiction or in the service area of the eligible entity, in a manner consistent with section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974'),

the best practices, programs, or strategies learned by awarding subgrants to eligible public charter schools under this section, with particular emphasis on the best practices with respect to—

''(I) focusing on closing the achievement gap; or

''(II) successfully addressing the education needs of low-income students.

''(C) CHARTER SCHOOL INFORMATION.—The number of—

''(i) eligible public charter schools that are operating in the State in which the eligible entity intends to award subgrants under this section;

''(ii) public charter schools approved to open or likely to open during the grant period in such State;

''(iii) available openings in eligible public charter schools in such State that could be created through the replication or expansion of such schools if the grant is awarded to the eligible entity;

''(iv) students on public charter school waiting lists (if such lists are available) in—

''(I) the State in which the eligible entity intends to award subgrants under this section; and

''(II) each local educational agency serving an eligible public charter school that may receive a subgrant under this section from the eligible entity; and

''(v) students, and the percentage of students, in a local educational agency who are attending eligible public charter schools that may receive a subgrant under this section from the eligible entity.

''(D) TRADITIONAL PUBLIC SCHOOL INFORMATION.—In the case of an eligible entity that is a State educational agency or local educational agency, a list of the following schools under the jurisdiction of the eligible entity, including the name and location of each such school, the number and percentage of students under the jurisdiction of the eligible entity who are attending such school, and such demographic and socioeconomic information as the Secretary may require:

''(i) Identified schools.

''(ii) Schools with a low graduation rate.

''(E) ASSURANCE.—In the case of an eligible entity described in subsection (k)(4)(A), an assurance that the eligible entity will include in the notifications provided under section 1116(c)(6) to parents of each student enrolled in a school served by a local educational agency identified for school improvement or corrective action under paragraph (1) or (7) of section 1116(c), information (in a language that the parents can understand) about the eligible public charter schools receiving subgrants under this section.

''(d) PRIORITIES FOR AWARDING GRANTS.—

''(1) IN GENERAL.—In awarding grants under this section, the Secretary shall give priority to an eligible entity that—

''(A) serves or plans to serve a large percentage of low-income students from identified schools or public schools with a low graduation rate;

''(B) oversees or plans to oversee one or more eligible public charter schools;

''(C) provides evidence of effective monitoring of the academic success of students who attend public charter schools under the jurisdiction of the eligible entity;

''(D) in the case of an eligible entity that is a local educational agency under State law, has a cooperative agreement under section 1116(b)(11); and

''(E) is under the jurisdiction of, or plans to award subgrants under this section in, a State that—

''(i) ensures that all public charter schools (including such schools served by a local educational agency and such schools considered to be a local educational agency under State law) receive, in a timely manner, the Federal, State, and local funds to which such schools are entitled under applicable law;

''(ii) does not have a cap that restricts the growth of public charter schools in the State;

''(iii) provides funding (such as capital aid distributed through a formula or access to revenue generated bonds, and including funding for school facilities) on a per-pupil basis to public charter schools commensurate with the amount of funding (including funding for school facilities) provided to traditional public schools;

''(iv) provides strong evidence of support for public charter schools and has in place innovative policies that support academically successful charter school growth;

''(v) authorizes public charter schools to offer early childhood education programs, including prekindergarten, in accordance with State law;

''(vi) ensures that each public charter school in the State—

''(I) has a high degree of autonomy over the public charter school's budget and expenditures;

''(II) has a written performance contract with an authorized public chartering agency that ensures that the school has an independent governing board with a high degree of autonomy; and

''(III) in the case of an eligible public charter school receiving a subgrant under this section, amends its charter to reflect the growth activities described in subsection (e);

''(vii) has an appeals process for the denial of an application for a charter school;

''(viii) provides that an authorized public chartering agency that is not a local educational agency, such as a State chartering board, is available for each individual or entity seeking to operate a charter school pursuant to such State law;

''(ix) allows any public charter school to be a local educational agency in accordance with State law;

''(x) ensures that each authorized public chartering agency in the State submits annual reports to the State educational agency, and makes such reports available to the public, on the performance of the schools authorized or approved by such public chartering agency, which reports shall include—

''(I) the authorized public chartering agency's strategic plan for authorizing or approving public charter schools and any progress toward achieving the objectives of the strategic plan;

''(II) the authorized public chartering agency's policies for authorizing or approving public charter schools, including how such policies examine a school's—

''(aa) financial plan and policies, including financial controls and audit requirements;

''(bb) plan for identifying and successfully (in compliance with all applicable laws and regulations) serving students with disabilities, students who are English language learners, students who are academically behind their peers, and gifted students; and

''(cc) capacity and capability to successfully launch and subsequently operate a public charter school, including the backgrounds of the individuals applying to the agency to operate such school and any record of such individuals operating a school;

''(III) the authorized public chartering agency's policies for renewing, not renewing, and revoking a charter school's charter, including the role of student academic achievement in such decisions;

''(IV) the authorized public chartering agency's transparent, timely, and effective process for closing down academically unsuccessful public charter schools;

''(V) the academic performance of each operating public charter school authorized or approved by the authorized public chartering agency, including the information reported by the State in the State annual report card under section 1111(h)(1)(C) for such school;

''(VI) the status of the authorized public chartering agency's charter school portfolio, by identifying all charter schools served by the public chartering agency in each of the following categories: approved (but not yet open), operating, renewed, transferred, revoked, not renewed, voluntarily closed, or never opened;

''(VII) the authorizing functions (such as approval, monitoring, and oversight) performed by the authorized public chartering agency to the public charter schools authorized or approved by such agency, including an itemized accounting of the actual costs of such functions; and

''(VIII) the services purchased (such as accounting, transportation, and data management and analysis) from the authorized public chartering agency by the public charter schools authorized or approved by such agency, including an itemized accounting of the actual costs of such services; and

''(xi) has or will have (within 1 year after receiving a grant under this section) a State policy and process for overseeing and reviewing the effectiveness and quality of the State's authorized public chartering agencies, including—

''(I) a process for reviewing and evaluating the performance of the authorized public chartering agencies in authorizing or approving charter schools, including a process that enables the authorized public chartering agencies to respond to any State concerns; and

''(II) any other necessary policies to ensure effective charter school authorizing in the State in accordance with the principles of quality charter school authorizing, as determined by the State in consultation with the charter school community and stakeholders.

''(2) SPECIAL RULE.—In awarding grants under this section, the Secretary may determine how the priorities described in paragraph (1) will apply to the different types of eligible entities defined in subsection (k)(4).

''(e) USE OF FUNDS.—An eligible entity receiving a grant under this section shall use the grant funds for the following:

''(1) SUBGRANTS.—

''(A) IN GENERAL.—To award subgrants, in such amount as the eligible entity determines is appropriate, to eligible public charter schools to replicate or expand such schools.

''(B) APPLICATION.—An eligible public charter school desiring to receive a subgrant under this subsection shall submit an application to the eligible entity at such time, in such manner, and containing such information as the eligible entity may require.

''(C) USES OF FUNDS.—An eligible public charter school receiving a subgrant under this subsection shall use the subgrant funds to provide for an increase in the school's enrollment of students through the replication or expansion of the school, which may include use of funds to—

''(i) support the physical expansion of school buildings, including financing the development of new buildings and campuses to meet increased enrollment needs;

''(ii) pay costs associated with hiring additional teachers to serve additional students;

''(iii) provide transportation to additional students to and from the school, including providing transportation to students who transfer to the school under a cooperative agreement established under section 1116(b)(11);

''(iv) purchase instructional materials, implement teacher and principal professional development programs, and hire additional non-teaching staff; and

''(v) support any necessary activities associated with the school carrying out the purposes of this section.

''(D) PRIORITY.—In awarding subgrants under this subsection, an eligible entity shall give priority to an eligible public charter school—

''(i) that has significantly closed any achievement gap on the State academic assessments described in section 1111(b)(3) among the groups of students described in section 1111(b)(2)(C)(v) by improving scores;

''(ii) that—

''(I)(aa) ranks in at least the top 25th percentile of the schools in the State, as ranked by the percentage of students in the proficient or advanced level of achievement on the State academic assessments in mathematics and reading or language arts described in section 1111(b)(3); or

''(bb) has an average student score on an examination (chosen by the Secretary) that is at least in the 60th percentile in reading and at least in the 75th percentile in mathematics; and

''(II) serves a high-need student population and is eligible to participate in a schoolwide program under section 1114, with additional priority given to schools that serve, as compared to other schools that have submitted an application under this subsection—

''(aa) a greater percentage of low-income students; and

''(bb) a greater percentage of not less than 2 groups of students described in section 1111(b)(2)(C)(v)(II); and

''(iii) that meets the criteria described in clause (i) and serves low-income students who have transferred to such school under a cooperative agreement described in section 1116(b)(11).

''(E) DURATION OF SUBGRANT.—A subgrant under this subsection shall be awarded for a period of not more than 5 years, except that an eligible public charter school receiving a subgrant under this subsection may, at the discretion of the eligible entity, continue to expend subgrant funds after the end of the subgrant period.

''(2) FACILITY FINANCING AND REVOLVING LOAN FUND.—An eligible entity may use not more than 25 percent of the amount of the grant funds received under this section to establish a reserve account described in subsection (f) to facilitate public charter school facility acquisition and development by—

''(A) conducting credit enhancement initiatives (as referred to in subpart 2) in support of the development of facilities for eligible public charter schools serving students;

''(B) establishing a revolving loan fund for use by an eligible public charter school receiving a subgrant under this subsection from the eligible entity under such terms as may be determined by the eligible entity to allow such school to expand to serve additional students;

''(C) facilitating, through direct expenditure or financing, the acquisition or development of public charter school buildings by the eligible entity or an eligible public charter school receiving a subgrant under this subsection from the eligible entity, which may be used as both permanent locations for eligible public charter schools or incubators for growing charter schools; or

''(D) establishing a partnership with 1 or more community development financial institutions (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)) or other mission-based financial institutions to carry out the activities described in subparagraphs (A), (B), and (C).

''(3) ADMINISTRATIVE TASKS, DISSEMINATION ACTIVITIES, AND OUTREACH.—

''(A) IN GENERAL.—An eligible entity may use not more than 7.5 percent of the grant funds awarded under this section to cover administrative tasks, dissemination activities, and outreach.

''(B) NONPROFIT ASSISTANCE.—In carrying out the administrative tasks, dissemination activities, and outreach described in subparagraph (A), an eligible entity may contract with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code (26 U.S.C. 501(a)).

''(f) RESERVE ACCOUNT.—

''(1) IN GENERAL.—To assist eligible entities in the development of new public charter school buildings or facilities for eligible public charter schools, an eligible entity receiving a grant under this section may, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the amount of funds described in subsection (e)(2) in a reserve account established and maintained by the eligible entity.

''(2) INVESTMENT.—Funds received under this section and deposited in the reserve account established under this subsection shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

''(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this subsection shall be deposited in the reserve account established under this section and used in accordance with the purpose described in subsection (a).

''(4) RECOVERY OF FUNDS.—

''(A) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

''(i) all funds in a reserve account established by an eligible entity under this subsection if the Secretary determines, not earlier than 2 years after the date the eligible entity first received funds under this section, that the eligible entity has failed to make substantial progress carrying out the purpose described in paragraph (1); or

''(ii) all or a portion of the funds in a reserve account established by an eligible entity under this subsection if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of funds in such account to accomplish the purpose described in paragraph (1).

''(B) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided under subparagraph (A) to collect from any eligible entity any funds that are being properly used to achieve such purpose.

''(C) PROCEDURES.—Sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under subparagraph (A).

''(D) CONSTRUCTION.—This paragraph shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

''(5) REALLOCATION.—Any funds collected by the Secretary under paragraph (4) shall be awarded to eligible entities receiving grants under this section in the next fiscal year.

''(g) FINANCIAL RESPONSIBILITY.—The financial records of each eligible entity and eligible public charter school receiving a grant or subgrant, respectively, under this section shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

''(h) NATIONAL EVALUATION.—

''(1) NATIONAL EVALUATION.—From the amounts appropriated under section 5200, the Secretary shall conduct an independent, comprehensive, and scientifically sound evaluation, by grant or contract and using the highest quality research design available, of the impact of the activities carried out under this section on—

''(A) student achievement; and

''(B) other areas, as determined by the Secretary.

''(2) REPORT.—Not later than 4 years after the date of the enactment of the All Students Achieving through Reform Act of 2010, and biannually thereafter, the Secretary shall submit to Congress a report on the results of the evaluation described in paragraph (1).

''(i) REPORTS.—Each eligible entity receiving a grant under this section shall prepare and submit to the Secretary the following:

''(1) REPORT.—A report that contains such information as the Secretary may require concerning use of the grant funds by the eligible entity, including the academic achievement of the students attending eligible public charter schools as a result of the grant. Such report shall be submitted before the end of the 4-year period beginning on the date of enactment of the All Students Achieving through Reform Act of 2010 and every 2 years thereafter.

''(2) PERFORMANCE INFORMATION.—Such performance information as the Secretary may require for the national evaluation conducted under subsection (h)(1).

''(j) INAPPLICABILITY.—The provisions of sections 5201 through 5209 shall not apply to the program under this section.

''(k) DEFINITIONS.—In this section:

''(1) ADEQUATE YEARLY PROGRESS.—The term 'adequate yearly progress' has the meaning given such term in a State's plan in accordance with section 1111(b)(2)(C).

''(2) ADMINISTRATIVE TASKS, DISSEMINATION ACTIVITIES, AND OUTREACH.—The term 'administrative tasks, dissemination activities, and outreach' includes costs and activities associated with—

''(A) recruiting and selecting students to attend eligible public charter schools;

''(B) outreach to parents of students enrolled in identified schools or schools with low graduation rates;

''(C) providing information to such parents and school officials at such schools regarding eligible public charter schools receiving subgrants under this section;

''(D) necessary oversight of the grant program under this section; and

''(E) initiatives and activities to disseminate the best practices, programs, or strategies learned in eligible public charter schools to other public schools operating in the State where the eligible entity intends to award subgrants under this section.

''(3) CHARTER SCHOOL.—The term 'charter school' means—

''(A) a charter school, as defined in section 5211(1); or

''(B) a school that meets the requirements of such section, except for subparagraph (D), and provides prekindergarten or adult education services.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State educational agency;

''(B) an authorized public chartering agency;

''(C) a local educational agency that has authorized or is planning to authorize a public charter school; or

''(D) an organization that has an organizational mission and record of success supporting the replication and expansion of high-quality charter schools and is—

''(i) described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)); and

''(ii) exempt from tax under section 501(a) of such Code (26 U.S.C. 501(a)).

''(5) ELIGIBLE PUBLIC CHARTER SCHOOL.—The term 'eligible public charter school' means a charter school, including a public charter

school that is being developed by a developer, that—

''(A) has made adequate yearly progress for the last 2 consecutive school years; and

''(B) in the case of a public charter school that is a secondary school, has, for the most recent school year for which data is available, met or exceeded the graduation rate required by the State in order to make adequate yearly progress for such year.

''(6) IDENTIFIED SCHOOL.—The term 'identified school' means a school identified for school improvement, corrective action, or restructuring under paragraph (1), (7), or (8) of section 1116(b).

''(7) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' includes any charter school that is a local educational agency, as determined by State law.

''(8) LOW-INCOME STUDENT.—The term 'low-income student' means a student eligible for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(9) GRADUATION RATE.—The term 'graduation rate' has the meaning given the term in section 1111(b)(2)(C)(vi), as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations.

''(10) SCHOOL YEAR.—The term 'school year' has the meaning given such term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

''(11) TRADITIONAL PUBLIC SCHOOL.—The term 'traditional public school' does not include any charter school, as defined in section 5211.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221 et seq.) is amended—

(1) by striking section 5231; and

(2) by inserting before subpart 1 the following:

''SEC. 5200. AUTHORIZATION OF APPROPRIATIONS FOR SUBPARTS 1 AND 2.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out subparts 1 and 2, $700,000,000 for fiscal year 2011 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(b) ALLOCATION.—In allocating funds appropriated under this section for any fiscal year, the Secretary shall consider—

''(1) the relative need among the programs carried out under sections 5202, 5205, 5210, and subpart 2; and

''(2) the quality of the applications submitted for such programs.''.

(c) CONFORMING AMENDMENTS.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 2102(2) (20 U.S.C. 6602(2)), by striking ''5210'' and inserting ''5211'';

(2) in section 5204(e) (20 U.S.C. 7221c(e)), by striking ''5210(1)'' and inserting ''5211(1)'';

(3) in section 5211(1) (as redesignated by subsection (a)(1)) (20 U.S.C. 7221i(1)), by striking ''The term'' and inserting ''Except as otherwise provided, the term'';

(4) in section 5230(1) (20 U.S.C. 7223i(1)), by striking ''5210'' and inserting ''5211''; and

(5) in section 5247(1) 20 U.S.C. 7225f(1)), by striking ''5210'' and inserting ''5211''.

(d) TABLE OF CONTENTS.—The table of contents of the Elementary and Secondary Education Act of 1965 is amended—

(1) by inserting before the item relating to subpart 1 of part B of title V the following:

''Sec. 5200. Authorization of appropriations for subparts 1 and 2.'';

(2) by striking the items relating to sections 5210 and 5211; and

(3) by inserting after the item relating to section 5209 the following:

''Sec. 5210. Charter school expansion and replication.

''Sec. 5211. Definitions.''.

By Ms. SNOWE (for herself, Mr. CARDIN, and Ms. LANDRIEU):

S. 3444. A bill to require small business training for contracting officers; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I rise today, during National Small business Week, along with my colleague Senator CARDIN, to introduce the Small Business Training in Federal Contracting Certification Act. This vital piece of legislation builds upon the Small Business Contracting Revitalization Act, S. 2989, which passed unanimously out of the Small Business Committee on March 4, and would require the development of small business training for contracting officials. The bill we introduce today would take an additional step by requiring contracting officials to successfully complete small business training prior to receiving certification in Federal contracting.

During these devastating economic times, with small business owners struggling to retain jobs, much less create new jobs, it is paramount that small businesses have a fair opportunity to contract with Federal Agencies, because the Federal Government is the largest buyer of goods and services in the world, spending over $500 billion in fiscal year 2009 alone. I remain frankly dismayed by the myriad ways the Federal Government has time and again egregiously failed to meet its statutory, government-wide small business ''goaling'' requirements that 23 percent of all Federal procurement dollars must be allocated to small contracting firms. This legislation would help the Federal Government to meet—and even exceed—its 23 percent goal, because it would require investing time and training in contracting officials who make the ultimate determination on contract awards be trained in small business procurement issues.

Contracting officials have a great deal of responsibility. They provide the Federal government with expertise when buying goods and services to enable agencies to achieve their mission by fairly and reasonably obligating taxpayer dollars while simultaneously addressing our Nation's socio-economic needs. I have heard from constituents and others in the contracting community that contracting officials do not understand their duty to provide opportunities to small businesses to the maximum extent practicable. So, it is imperative that we provide contracting officials the tools they need to bolster small business participation in Federal contracting—to include training on small business government contracting set-aside programs, understanding size standards and the North American Industry Classification System codes and how they apply to the contract award process, conducting market research, as well as all of the Small Business Administration's resources and programs available to them.

Small businesses are the engine of our economy and in this time of economic hardship, the Federal Government must provide our Nation's entrepreneurs with every opportunity to succeed. Federal contracting can be an instrumental part of a larger strategy for broadening small businesses' customer base and creating jobs. In my leadership capacity on the Senate Small Business Committee, I have long been a champion of removing barriers to small businesses seeking entry into the Federal marketplace. Through the years, I have introduced numerous bills that combat contract bundling, mandate recurrent small business size standard adjustments, ensure equal opportunity to compete for Federal contracts among the various socio-economic small businesses groups, and reduce fraud and abuse in SBA's small business contracting programs.

The Federal Government's inability to consistently meet all of its small business contracting goals is unjustifiable. Only one category of small business contracting goals—small disadvantaged businesses—has been met, while the goals for the three other programs—historically underutilized business zones, HUBZone, small businesses, women-owned small businesses, and service-disabled veteran-owned small businesses—has never been achieved. It is inconceivable as to why this remains a problem year after year, especially since contracts awarded using American Recovery and Reinvestment Act dollars have demonstrated that attainment of these goals is possible.

In conclusion, I believe that requiring certification training for Federal contracting officers will help the Government meet the statutory small business contracting goals and will increase small business access to Federal contracts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3444

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 ''Small Business Training in Federal Contracting Certification Act of 2010''.

SEC. 2. SMALL BUSINESS TRAINING.

Section 37(f)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(f)) is amended—

(1) by striking ''For each career path,'' and inserting the following:

''(A) IN GENERAL.—For each career path,''; and

(2) by adding at the end the following:

''(B) CERTIFICATION PROGRAM.—

''(i) IN GENERAL.—The Administrator shall establish a certification program for acquisition personnel. The certification program shall be carried out through the Federal Acquisition Institute.

''(ii) SMALL BUSINESS TRAINING.—The certification program under this subparagraph shall include training regarding—

''(I) small business government contracting set-aside programs, including—

''(aa) programs for HUBZone small business concerns, small business concerns owned and controlled by service-disabled veterans, and small business concerns owned and controlled by women (as those terms are defined in section 3 of the Small Business Act (15 U.S.C. 632));

''(bb) programs for socially and economically disadvantaged small business concerns (as defined in section 8(a) of the Small Business Act (15 U.S.C. 637(a))); and

''(cc) contracting under the Small Business Innovation Research Program and the Small Business Technology Transfer Program (as those terms are defined in section 9(e) of the Small Business Act (15 U.S.C. 638(e)));

''(II) determining small business size standards and using North American Industry Classification System codes in relation to contracting set-aside programs and subcontracting goals; and

''(III) any other issue relating to contracting with small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) determined appropriate by the Administrator.''.

By Mr. HATCH:

S. 3445. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for certain professional development and other expenses of elementary and secondary school teachers and for certain certification expenses of individuals becoming science, technology, engineering, or math teachers; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce legislation designed to increase tax fairness for America's primary and secondary school teachers.

Our public school teachers are some of the unheralded heroes of our society. These women and men dedicate their careers to educating the young people of America. School teachers labor in often difficult and even dangerous circumstances. In most places, including in my home state of Utah, the salary of the average public school teacher is significantly below the national average.

For a variety of economic and organizational reasons, schools across the nation are experiencing difficulties in recruiting teachers—especially in the fields of math and science. There are at least two sources to this problem. First, schools are experiencing high levels of turnover related to retirement, relocation, and attrition. Second, there is an insufficient supply of new qualified math and science teachers coming in to the schools to compensate for the turnover.

As a result of these factors, 31 percent of secondary schools across the nation report difficulties in filling math and science faculty positions. This teacher recruitment problem is especially troubling because it disproportionately affects small schools in urban and rural areas, especially those with limited access to funding.

Unfortunately, the problems of retention and recruitment of public school teachers are exacerbated by the unfair tax treatment these professionals currently receive under our tax law. Specifically, teachers are greatly disadvantaged by the lack of deductibility of the total amount of out-of-pocket costs of classroom materials that practically all teachers find themselves supplying, as well as by the inability to deduct their professional development expenses. Let me explain.

As with many other professionals, most elementary and secondary school teachers regularly incur expenses to keep themselves current in their fields of knowledge. These include subscriptions to journals and other periodicals as well as the cost of courses and seminars designed to improve their knowledge or teaching skills. For example, in order to be certified by the National Board for Professional Teaching Standards, NBPTS, a teacher must pay a fee of $2,500. Expenditures like these are necessary to keep our teachers up to date on the latest ideas, techniques, and trends so that they can provide our children with the best education possible.

Furthermore, almost all teachers find themselves spending not insignificant amounts of money to provide basic classroom materials for their students. Because of tight education budgets, most schools do not provide 100 percent of the material teachers need to adequately present their lessons. New teachers in their first and second years are especially susceptible to a large financial burden as they must start from scratch in establishing a curriculum and classroom for their students.

I realize that employees in many fields incur expenses for professional development and out-of-pocket expenses. In many cases, however, these costs are reimbursed by the employer. This is seldom the case with school teachers. Other professionals who are self-employed are generally able to fully deduct these types of expenses.

Under the current tax law, unreimbursed expenses for all employees are deductible generally, but only as miscellaneous itemized deductions. However, there are two practical hurdles that effectively make these expenses non-deductible for most teachers. The first hurdle is that the total amount of a taxpayer's deductible miscellaneous deductions must exceed 2 percent of gross income before they begin to be deductible.

The second hurdle is that the amount in excess of the 2 percent floor, if any, combined with all other deductions of the taxpayer, must exceed the standard deduction before the teacher can itemize. Only about one-third of taxpayers have enough deductions to itemize. The unfortunate effect of these two limitations is that, as a practical matter, only a small proportion of teachers are able to deduct their professional development and out-of-pocket supplies expenses.

Let me illustrate this unfair situation with an example. Let us consider the case of a first-year teacher in Utah, whom we will refer to as Michelle. Michelle is newly married. She and her husband together expect to earn $48,000 this year. As a brand-new teacher, Michelle has none of the classroom decorations, materials, or curriculum aides that veteran teachers have accumulated. In an effort to quickly collect some necessary items for her classroom, a new teacher like Michelle will probably spend close to $1,500 of her own money. She will not be reimbursed for any of these expenses by the school district.

Under current law, Michelle's expenditures are deductible, subject to the two limitations I mentioned. The first limitation is that her expenses must exceed 2 percent of her and her husband's joint income before they begin to be deductible. Two percent of $48,000 is $960. Thus, only $540 of her $1,500 total expense is potentially deductible—that portion that exceeds $960.

As a married taxpayer, Michelle's standard deduction this year is $11,400. Her total itemized deductions, including the $540 in qualified miscellaneous deductions for her professional expenses and out-of-pocket classroom supplies, will fall far short of the standard deduction threshold. Therefore, not even the $540 of the original $1,500 in out-of-pocket costs is deductible for Michelle. What the first limitation did not block, the second one did, and Michelle gets no deduction at all for these expenses under the current law.

The entry-level employees in the teaching field are the first- and second-year teachers like Michelle, who receive the lowest relative salary and yet often incur the greatest school-related expenses. These expenses place a heavy burden on our teachers and can act as a significant barrier to entry to the teaching profession. Many of these new teachers are renting and fresh out of college, and are thus very unlikely to be able to itemize their deductions. Therefore, without the ability to itemize, the teachers with the greatest need of tax relief are the ones least likely to receive it.

This problem is not isolated to first-year teachers. Veteran educators, like Kristen Adamson, also an elementary school teacher in Utah, have also expressed their concerns about this tax inequity. Kristen is preparing for a class of 35 fifth-graders next year—the most she's ever had. She, like most teachers, feels that it is her duty to provide all of her students with the materials they will need to successfully complete their school work. There are few careers that I know of in which employees take similar initiative.

This year, due to limited state funding, Kristen will be forced to choose between a class set of colored pencils or a class set of crayons. Whatever the district does not provide, Kristen will be forced to purchase herself. Further, the school district provides only one

notebook per student, but her pupils require a minimum of four each to organize their work. With 35 students, these costs can add up very quickly. Kristen typically does not have enough deductions to itemize and therefore, like most teachers, will receive little or no tax relief.

As you can see, public school educators are at a marked disadvantage under the current tax law, and they deserve better treatment. Not only is the situation morally unacceptable, it is aggravating to our teacher retention and recruitment problems.

I have been fighting to pass legislation that will help alleviate this longstanding problem for almost a decade. In 2001, I first introduced the Tax Equity for School Teachers Act. This legislation would have provided an unlimited tax deduction for the out-of-pocket expenses school teachers incur to acquire necessary training and materials.

Rather than being available only to those who are able to itemize their deductions, this bill would have made these expenses ''above-the-line'' deductions, meaning they would be deductible whether or not the teacher itemized on their tax return.

Unfortunately, only a part of this bill was enacted. The 2001 tax act included an above the-line deduction for $250 for the costs of classroom expenses. While this was a step in the right direction, it was essentially a symbolic gesture as teachers typically spend far more than $250 on school-related expenses. This deduction has expired and has been renewed several times, but it expired again at the end of last year. It is not clear when Congress is going to extend it.

The bill I am introducing today would do three things. First, it would reinstate the above-the-line deduction for teachers' out-of-pocket expenses for classroom supplies, make it permanent, and remove the $250 cap. Second, it would provide an unlimited deduction for the professional development expenses for school teachers. Finally, to assist in the recruitment of teachers in the most-needed fields, it would provide an unlimited deduction for the cost of professionals in the fields of math, science, and technology to certify to become public school teachers.

Under my bill, first-year teacher Michelle would be allowed to deduct all $1,500 of her professional development and classroom supplies expenses, whether she itemized or not. Similarly, Kristen would be able to deduct all of the expenses she incurred to provide materials for her students. This would help provide tax equity and a measure of much-needed tax relief for scores of underpaid professionals. It would also help retain current public school teachers and attract new ones to the field.

Some might argue that such a generous deduction would be giving teachers preferential treatment. I disagree. Most organizations provide training and supplies for their employees that are fully deductible to the organization and non-taxable to the employee. Yet, public teachers pay for training out of their own pocket, as is the case with NBPTS certification.

Others may question the wisdom of my bill granting an unlimited tax deduction. Why not place a limit or cap on the amount that may be deducted, some might ask. Again, I respectfully disagree with such critics. It is important to keep in mind the difference between a tax deduction and a tax credit. My bill calls for tax deductions, which essentially act as a cost-sharing arrangement between the teacher and the government. Deductions reduce the amount of income that is subject to tax. A credit, on the other hand, is a dollar-for-dollar reduction in the amount of tax that is due.

With a tax deduction, a public school teacher is not receiving a cash subsidy or reimbursement for his or her expenses. Rather, he or she is merely obtaining a reduction in the amount of income that is taxed. Thus, the most benefit a teacher would receive under my bill would be a 35 percent reduction in the cost of professional development, supplies, or certification expenses. For the vast majority of teachers, the amount would be far less than 35 percent, because they are in lower tax brackets. This means that the teacher is still responsible for paying for the biggest portion of these costs. In other words, this bill does not provide an incentive for teachers to spend unnecessary funds; it simply provides a discount for teachers who use their common sense and spend their money appropriately. If anything, this deduction is not generous enough, but it would go a long way toward providing help for these dedicated professionals.

Support for mathematics and science education at all levels is necessary to improve the global competitiveness of the United States in science and energy technology. I endorse the efforts of some of my colleagues to encourage more of our best and brightest students who choose these fields of study. Sup ort for qualified STEM teachers, Science, Technology, Engineering, and Mathematics, is equally important. If we are successful in increasing the supply of STEM students, we will need to take drastic measures to increase the already strained supply of STEM teachers. This bill would provide incentives for these professionals to enter the teaching profession by allowing expenses in connection with teacher licensing and certification to be fully deductible, above the line, the same as professional development and supplies expenses of teaching professionals.

This bill would provide modest tax relief for teachers who, for too long, have been treated unfairly under our tax laws. It would alleviate significant barriers to entry to the teaching profession and would help solve some of our teacher recruitment and retention problems. Our teachers deserve whatever help we can provide. It is time that Congress recognized this unfairness and corrected it. I thank the Senate for the opportunity to address this issue today, and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3445

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 ''Tax Equity for School Teachers Act of 2010''.

SEC. 2. DEDUCTION FOR CERTAIN PROFESSIONAL DEVELOPMENT EXPENSES AND CLASSROOM SUPPLIES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS AND FOR CERTAIN CERTIFICATION EXPENSES OF SCIENCE, TECHNOLOGY, ENGINEERING, OR MATH TEACHERS.

(a) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Subparagraph (D) of section 62(a)(2) of the Internal Revenue Code of 1986 (relating to certain expenses of elementary and secondary school teachers) is amended to read as follows:

''(D) CERTAIN PROFESSIONAL DEVELOPMENT EXPENSES, CLASSROOM SUPPLIES, AND OTHER EXPENSES FOR ELEMENTARY AND SECONDARY TEACHERS.—The sum of the deductions allowed by section 162 with respect to the following expenses:

''(i) Expenses paid or incurred by an eligible educator in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.

''(ii) Expenses paid or incurred by an eligible educator which constitute qualified professional development expenses.

''(iii) Expenses which are related to the initial certification of an individual (in the individual's State licensing system) as a qualified science, technology, engineering or math teacher.''.

(b) DEFINITIONS AND SPECIAL RULES.—Section 62(d) of the Internal Revenue Code of 1986 (relating to definitions and special rules is amended by redesignating paragraph (2) as paragraph (5) and by adding after paragraph (1) the following new paragraphs:

''(2) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—For purposes of subsection (a)(2)(D)—

''(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction.

''(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

''(i) is—

''(I) directly related to the curriculum and academic subjects in which an eligible educator provides instruction,

''(II) designed to enhance the ability of an eligible educator to understand and use State standards for the academic subjects in which such teacher provides instruction, or

''(III) designed to enable an eligible educator to meet the highly qualified teacher requirements under the No Child Left Behind Act of 2001,

''(ii) may provide instruction to an eligible educator—

''(I) in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

''(II) in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (I) to learn,

''(iii) is tied to the ability of an eligible educator to enable students to meet challenging State or local content standards and student performance standards,

''(iv) is tied to strategies and programs that demonstrate effectiveness in assisting an eligible educator in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of an eligible educator, and

''(v) is part of a program of professional development for eligible educators which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

''(C) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this subsection.

''(3) QUALIFIED SCIENCE, TECHNOLOGY, ENGINEERING, OR MATH TEACHER.—For purposes of subsection (a)(2)(D), the term 'qualified science, technology, engineering, or math teacher' means, with respect to a taxable year, an individual who—

''(A) has a bachelor's degree or other advanced degree in a field related to science, technology, engineering, or math,

''(B) was employed as a nonteaching professional in a field related to science, technology, engineering, or math for not less than 3 taxable years during the 10-taxable-year period ending with the taxable year,

''(C) is certified as a teacher of science, technology, engineering, or math in the individual's State licensing system for the first time during such taxable year, and

''(D) is employed at least part-time as a teacher of science, technology, engineering, or math in an elementary or secondary school during such taxable year.

''(4) EXEMPTION FROM MINIMUM EDUCATION OR NEW TRADE OR BUSINESS EXCEPTION.—For purposes of applying subsection (a)(2)(D) and this subsection, the determination as to whether qualified professional development expenses, or expenses for the initial certification described in subsection (a)(2)(D)(iii), are deductible under section 162 shall be made without regard to any disallowance of such a deduction under such section for such expenses because such expenses are necessary to meet the minimum educational requirements for qualification for employment or qualify the individual for a new trade or business.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

By Mr. UDALL of New Mexico:

S. 3446. A bill to amend the Child Nutrition Act of 1966 to advance the health and wellbeing of schoolchildren in the United States through technical assistance, training, and support for healthy school foods, local wellness policies, and nutrition promotion and education, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. UDALL of New Mexico. Mr. President, I rise today to express support for S. 3307, the Healthy, Hunger-Free Kids Act of 2010, and to introduce two pieces of legislation that I hope will be included in the final reauthorization of the Child Nutrition Act that is passed by this body.

I commend Chairman LINCOLN and Ranking Member CHAMBLISS for their successful efforts to produce a bipartisan and fully paid for Child Nutrition Reauthorization bill—a bill that won unanimous support in the Agriculture Committee where it passed this past March.

The Healthy, Hunger-Free Kids Act of 2010 is critically important to the health, well-being, and even education of our nation's children. It seeks to confront the challenges of hunger and obesity that are increasingly pervasive in our youth. Specifically, the act reauthorizes our nation's major Federal child nutrition programs administered by the U.S. Department of Agriculture, USDA, including the National School Lunch and Breakfast Programs, the Special Supplemental Nutrition Program for Women, Infants and Children, WIC, the Child and Adult Care Food Program and the Summer Food Service Program.

Totaling $4.5 billion in additional funding over the next 10 years, the Healthy, Hunger-Free Kids Act is the largest new investment in child nutrition programs since their inception—and it is completely paid for by off-sets in other USDA programs. This added funding will allow for an increase in reimbursement rates for school meals, which is an important provision since current reimbursement rates fall short of the funding schools need in order to provide nutritious meals with fresh fruits and vegetables to students. The bill also makes mandatory the funding authorized in the Child Nutrition Act to help schools establish school gardens and source local foods through ''farm to cafeteria'' efforts.

Beyond funding, the Healthy, Hunger-Free Kids Act makes enrollment into the free school meals program automatic for foster children and for students already enrolled in Medicaid. The bill further promotes the establishment of school wellness policies, and allows the USDA to set school nutrition standards for all foods, including those sold a la carte, in vending machines and during special events such as afterschool sports.

While this bill, combined with the President's request of $10 billion for child nutrition programs over the next 10 years, represents a huge step toward a healthier population of young people, I believe there is room for even more improvement. To this end, I am today introducing the Child Nutrition Enhancement Act, and the Ensuring All Students Year-Round, EASY, Access to Meals and Snacks Act. These two bills will help schools ramp up their nutrition and health programs, and ensure that kids have access to food, even on weekends and holidays when they cannot get meals at school. These bills also enjoy House support, with Representatives POLIS and LARSEN already having introduced companions in that chamber.

The Child Nutrition Enhancement Act would expand the Team Nutrition Networks program, a USDA program that provides grants to school districts to support State Wellness and Nutrition Networks in schools that conduct nutrition education and enhance school wellness. To allow this expansion, the bill includes mandatory funding at a level of 1 cent per reimbursable meal through National School Lunch Program, Child and Adult Care Food Program, and Summer Food Service Program, totaling approximately $70 million per year. Such funding would be used for State staff and programs, formula-based grants and USDA administration.

The Ensuring All Students Year-round Access to Meals and Snacks Act would allow local government agencies and private nonprofit organizations to feed children meals and snacks 365 days-a-year through the Summer Food Service Program, whether it be after school, on weekends and school holidays, or during the summer. School supplemental food providers find that children often go hungry on weekends and school holidays because their main source of nutrition is the free school lunch program. This bill would allow food service programs to fill in the gaps on holidays and weekends when kids are likely to miss meals, and ease the administrative burden of food service programs by allowing year round meals and snacks through the Summer Food Service Program, rather the current requirement to switch back and forth between the Summer Food Service Program and other child nutrition programs such as the Child and Adult Care Food Program.

With September 30th as the looming deadline for reauthorization of the Child Nutrition Act, I call on my colleagues and the leadership in the Senate to expedite the debate and passage of the Healthy, Hunger-Free Kids Act. I look forward to working with the Agriculture Committee and the Senate leadership to include the Child Nutrition Enhancement Act, and the EASY Access to Meals and Snacks Act in the final bill, and to complete the legislative process for this important reauthorization.

By Mr. AKAKA:

S. 3447. A bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I am introducing today the proposed Post-9/11 Veterans Educational Assistance Improvements Act of 2010. This measure is designed to make a number of modifications to the new program of educational assistance which became effective on August 1, 2009.

As one of three remaining Senators who benefited from the original GI Bill

following World War II, I know firsthand the value of an education and of the critical role that this important veterans benefit played in my life. That was why I was especially pleased to join with the distinguished Senator from Virginia, Mr. WEBB, in achieving enactment of the new Post-9/11 GI Bill in 2008.

Now, with ten months of experience under the new program, I believe it is time to look at what improvements and modifications need to be made in order for the program to reach its potential. I note at the outset that this will not be a simple process. Nor will it be quickly and easily accomplished. There are issues that we can readily see need to be addressed. There are others, however, that are only just now coming to our attention as the program is implemented and veterans, servicemembers, and their families begin to receive benefits under the program.

I will highlight some of the provisions that are contained in the bill I am introducing today:

It would make members of the National Guard and Reserve programs who were inadvertently omitted from inclusion fully eligible for benefits.

It would make all types of training—including vocational programs, OJT and apprenticeship training, flight, all types of non-college degree training and more—eligible for benefits under the new program. By doing this, individuals would not need to make an irreversible decision as to whether or not to receive benefits under the old Montgomery GI Bill or under the new program.

It would eliminate the complicated, confusing and, in some cases, inequitable calculation of State-by-State tuition and fee caps to determine benefits for individuals enrolled in degree programs. Basically, it would provide that eligible individuals enrolled in degree-granting programs of study at public institutions anywhere in the United States would pay little, if any, out of pocket costs for their education. For students enrolled in other institutions of higher learning, benefits would be paid based on a national average cost of education which would be indexed and increased annually.

It would provide for a modified living allowance to be paid in the case of an individual pursuing a program of education solely through distance learning. Individuals who currently are studying through a combination of distance and classroom training would continue to receive benefits as they do now.

It would make a book allowance award of up to $1,000 available to individuals enrolled while on active duty and their spouses.

It would allow individuals enrolled in VA's program of rehabilitation and training under chapter 31 of title 38 who also have eligibility for the new chapter 33 program to elect the program from which to receive their subsistence allowance. This would mean that a service-connected disabled OEF/OIF veteran would not need to elect to training under the new GI Bill and forego the valuable counseling and support services available under chapter 31 in order to receive an increased living allowance.

It would modify the manner in which the living allowance is calculated to reflect the rate at which training is pursued.

It would ensure that the same period of active duty cannot be used to establish eligibility for more than one program of education.

This is not a complete recitation of all the provisions contained in the measure I am introducing today. In addition, I do not expect that every provision of the measure will necessarily be supported by all the stakeholders involved in this important issue. Indeed, I imagine there could be some who will be critical of some provisions in the proposal and will come forward to offer improvements and modifications.

What my measure is intended to do, is to serve as a starting point to move forward in this important yet very complicated and complex endeavor. I strongly believe that whatever is done in this connection must not be done in a piecemeal manner. We need a full and deliberative consideration of all the issues in order to craft the best possible approach to delivering these important benefits to our Nation's veterans and those who are serving in uniform.

I look forward to working with all our colleagues and others on these issues in the days ahead. As I noted, this will not be done quickly or easily but this measure will serve as a focus for our discussions and decisions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3447

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 ''Post-9/11 Veterans Educational Assistance Improvements Act of 2010''.

SEC. 2. MODIFICATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) MODIFICATION OF DEFINITIONS THAT CONCERN ELIGIBILITY FOR EDUCATIONAL ASSISTANCE.—

(1) MODIFICATION OF DEFINITION OF ACTIVE DUTY WITH RESPECT TO MEMBERS OF RESERVE COMPONENTS GENERALLY.—Paragraph (1)(B) of section 3301 of title 38, United States Code, is amended by striking ''of title 10.'' and inserting the following: ''of title 10—

''(i) for the purpose of organizing, administering, recruiting, instructing, or training the reserve components of the Armed Forces; or

''(ii) in support of a contingency operation (as defined in section 101(a) of title 10).''.

(2) EXPANSION OF DEFINITION OF ACTIVE DUTY TO INCLUDE SERVICE IN NATIONAL GUARD FOR CERTAIN PURPOSES.—Paragraph (1) of such section is amended by adding at the end the following new subparagraph:

''(C) In the case of a member of the Army National Guard of the United States or Air National Guard of the United States, in addition to service described in subparagraph (B), full-time service—

''(i) in the National Guard of a State for the purpose of organizing, administering, recruiting, instructing, or training the National Guard; and

''(ii) in the National Guard under section 502(f) of title 32 when authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.''; and

(3) EXPANSION OF DEFINITION OF ENTRY LEVEL AND SKILL TRAINING TO INCLUDE ONE STATION UNIT TRAINING.—Paragraph (2)(A) of such section is amended by inserting ''or One Station Unit Training'' before the period at the end.

(b) CLARIFICATION OF APPLICABILITY OF HONORABLE SERVICE REQUIREMENT FOR CERTAIN DISCHARGES AND RELEASES FROM THE

ARMED FORCES AS BASIS FOR ENTITLEMENT TO EDUCATIONAL ASSISTANCE.—Section 3311(c)(4) of such title is amended in the matter preceding subparagraph (A) by striking ''A discharge or release from active duty in the Armed Forces'' and inserting ''A discharge or release from active duty in the Armed Forces after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service''.

(c) EXCLUSION OF PERIOD OF SERVICE ON ACTIVE DUTY OF PERIODS OF SERVICE IN CONNECTION WITH ATTENDANCE AT THE COAST GUARD ACADEMY.—Section 3311(d)(2) of such title is amended by inserting ''or section 182 of title 14'' before the period at the end.

SEC. 3. MODIFICATION OF AMOUNT OF ASSISTANCE AND TYPES OF APPROVED PROGRAMS OF EDUCATION.

(a) AMOUNT OF EDUCATIONAL ASSISTANCE FOR PROGRAMS OF EDUCATION PURSUED AT PUBLIC, NON-PUBLIC, AND FOREIGN INSTITUTIONS OF HIGHER LEARNING.—Section 3313(c) of title 38, United States Code, is amended—

(1) by striking the subsection heading and inserting the following: ''PROGRAMS OF EDUCATION AT INSTITUTIONS OF HIGHER LEARNING PURSUED AT MORE THAN HALF-TIME BASIS.—'';

(2) in the matter preceding paragraph (1) by inserting ''at an institution of higher learning (as defined in section 3452(f) of this title)'' after ''program of education''; and

(3) in paragraph (1), by amending subparagraph (A) to read as follows:

''(A) An amount equal to—

''(i) in the case that such institution is a public institution of higher learning, the established charges for the program of education; and

''(ii) in the case that such institution is a non-public or foreign institution of higher learning, the lesser of—

''(I) the established charges for the program of education; or

''(II) the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year.''.

(b) MODIFICATION OF AMOUNT OF MONTHLY STIPENDS, INCLUDING STIPENDS FOR PART-TIME STUDY, DISTANCE LEARNING, AND PURSUIT OF PROGRAMS OF EDUCATION AT FOREIGN INSTITUTIONS OF HIGHER LEARNING.—Subparagraph (B) of section 3313(c)(1) of such title is amended—

(1) by redesignating clause (ii) as clause (iv); and

(2) by striking clause (i) and inserting the following new clauses:

''(i) Except as provided in clauses (ii) and (iii), for each month the individual pursues the program of education, a monthly housing stipend amount equal to the product of—

''(I) the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher learning at which the individual is enrolled, multiplied by

''(II) the lesser of one or the quotient of—

''(aa) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(bb) the minimum number of course hours required for full-time pursuit of such program of education.

''(ii) In the case of an individual pursuing a program of education at a foreign institution of higher learning, for each month the individual pursues the program of education, a monthly housing stipend amount equal to the product of—

''(I) the national average of the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5, multiplied by

''(II) the lesser of one or the quotient of—

''(aa) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(bb) the minimum number of course hours required for full-time pursuit of such program of education.

''(iii) In the case of an individual pursuing a program of education through distance learning on more than a half-time basis, a monthly housing stipend amount in an amount equal to 50 percent of the amount payable under clause (ii) if the individual were otherwise entitled to a monthly housing stipend under that clause for pursuit of the program of education.''.

(c) EDUCATIONAL ASSISTANCE FOR APPROVED PROGRAMS OF EDUCATION AT INSTITUTIONS OTHER THAN INSTITUTIONS OF HIGHER LEARNING.—

(1) APPROVED PROGRAMS OF EDUCATION AT INSTITUTIONS OTHER THAN INSTITUTIONS OF HIGHER LEARNING.—Subsection (b) of section 3313 of such title is amended by striking ''is offered by an institution of higher learning (as that term is defined in section 3452(f)) and''.

(2) ASSISTANCE FOR PURSUIT OF PROGRAMS OF EDUCATION AT INSTITUTIONS OTHER THAN INSTITUTIONS OF HIGHER LEARNING.—Such section is further amended—

(A) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(B) by inserting after subsection (f) the following new subsection (g):

''(g) PROGRAMS OF EDUCATION PURSUED AT INSTITUTIONS OTHER THAN INSTITUTIONS OF HIGHER LEARNING.—

''(1) IN GENERAL.—Educational assistance is payable under this chapter for pursuit of an approved program of education at an institution other than an institution of higher learning.

''(2) AMOUNT OF ASSISTANCE.—The amounts of educational assistance payable under this chapter to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education at an institution other than an institution of higher learning (as defined in section 3452(f) of this title) are amounts as follows:

''(A) In the case of an individual enrolled in a program of education (other than a program described in subparagraphs (B) through (D)) in pursuit of a certificate or other non-college degree, amounts as follows:

''(i) The lesser of—

''(I) the established charges for the program of education; or

''(II) the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year.

''(ii) A monthly stipend in an amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution at which the individual is enrolled.

''(B) In the case of an individual enrolled in a program of education consisting of on-job training or a program of apprenticeship, amounts as follows:

''(i) For each month the individual pursues the program—

''(I) in the first six-month period of the program, an amount equal to 75 percent of 1/12 of the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year;

''(II) in the second six-month period of the program, an amount equal to 55 percent of 1/12 of the amount of such average; and

''(III) in any month after the first 12 months of such program, an amount equal to 35 percent of 1/12 of the amount of such average.

''(ii) A monthly stipend in an amount equal to the lesser of—

''(I) the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the employer at which the individual pursues such program; or

''(II) the national average of the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5.

''(C) In the case of an individual enrolled in a program of education consisting of flight training, an amount equal to the lesser of—

''(i) the established charges for the program of education; or

''(ii) 60 percent of the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year.

''(D) In the case of an individual enrolled in a program of education that is pursued exclusively by correspondence, an amount equal to the lesser of—

''(i) the established charges for the program of education; or

''(ii) 55 percent of the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year.

''(3) CHARGE AGAINST ENTITLEMENT.—The entitlement of an individual to educational assistance under this chapter shall be charged at the rate of one month for each month of assistance provided under this subsection.''.

(3) CONFORMING AMENDMENT.—Subsection (h) of such section 3313, as redesignated by paragraph (2) of this subsection, is amended by striking ''(e)(2), and (f)(2)(A)'' and inserting ''subsections (e)(2) and (f)(2)(A), and subparagraphs (A)(i), (B)(i), (C), and (D) of subsection (g)(2)''.

(d) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—

(1) IN GENERAL.—Subsection (e)(2) of such section is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) in the matter preceding clause (i), as redesignated by subparagraph (A)—

(i) by striking ''The amount'' and inserting ''The amounts''; and

(ii) by striking ''is the lesser of—'' and inserting ''are the amounts as follows:

''(A) An amount equal to the lesser of—''; and

(C) by adding at the end the following new subparagraph (B):

''(B) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

''(i) $1,000, multiplied by

''(ii) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.''.

(2) TECHNICAL AMENDMENT.—Clause (ii) of subsection (e)(2)(A) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by adding a period at the end.

SEC. 4. MODIFICATION OF ASSISTANCE FOR LICENSURE AND CERTIFICATION TESTS.

(a) REPEAL OF LIMITATION ON NUMBER OF REIMBURSABLE TESTS.—Subsection (a) of section 3315 of title 38, United States Code, is amended by striking ''one licensing or certification test'' and inserting ''licensing or certification tests''.

(b) CHARGE OF ENTITLEMENT FOR RECEIPT OF ASSISTANCE.—Such section is further amended by striking subsection (c) and inserting the following new subsection (c):

''(c) CHARGE AGAINST ENTITLEMENT.—The charge against entitlement of an individual under this chapter for payment for a licensing or certification test under subsection (a) shall be charged at the rate of one month for each amount equal to 1/12 of the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year.''.

SEC. 5. TRANSFER OF ENTITLEMENT TO SUPPLEMENTAL EDUCATIONAL ASSISTANCE TO POST-9/11 EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 3316 of title 38, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) TRANSFER OF SUPPLEMENTAL EDUCATIONAL ASSISTANCE.—

''(1) IN GENERAL.—An individual entitled to supplemental educational assistance under subchapter III of chapter 30 of this title may transfer such entitlement to entitlement for supplemental educational assistance under this section. Such individual shall receive entitlement to one month of supplemental educational assistance under this section for each month of entitlement to supplemental educational assistance so transferred.

''(2) RATE.—The monthly rate of supplemental educational assistance payable to an individual who transfers entitlement under paragraph (1) shall be payable at the same rate as such entitlement would otherwise be payable to such individual under subchapter III of chapter 30 of this title.

''(3) NATURE OF TRANSFERRED ENTITLEMENT.—An amount of supplemental educational assistance transferred under paragraph (1) shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section 3313(c) (as applicable).''.

(b) CLARIFICATION ON REIMBURSEMENT OF INCREASED OR SUPPLEMENTAL ASSISTANCE.—Such section is further amended by inserting after subsection (c), as added by subsection (a)(2) of this section, the following new subsection (d):

''(d) REIMBURSEMENT.—Any expense incurred by the Secretary for the provision of increased assistance or supplemental assistance to an individual under this section shall be reimbursed by the Secretary concerned.''.

SEC. 6. TRANSFER OF UNUSED EDUCATION BENEFITS TO FAMILY MEMBERS.

(a) ADMINISTRATION OF TRANSFERS OF ENTITLEMENT BY INDIVIDUALS NO LONGER MEMBERS OF THE ARMED FORCES.—Section 3319(h) of title 38, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

''(7) ADMINISTRATION FOR INDIVIDUALS NO LONGER MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall administer the provisions of this section with respect to individuals who are discharged or released from the Armed Forces, including the making of any determinations of eligibility of such individuals for transfers of entitlement under this section and the processing of applications to transfer, modify, or revoke entitlement under this section.''.

(b) APPLICABILITY OF ENTITLEMENT AUTHORITY TO MEMBERS OF PUBLIC HEALTH SERVICE AND NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 3319 of such title is amended by striking subsection (k).

(c) REIMBURSEMENT OF EXPENSES OF SECRETARY OF VETERANS AFFAIRS BY SECRETARY CONCERNED.—Such section is further amended by adding at the end the following new subsection (k):

''(k) REIMBURSEMENT OF EXPENSES OF SECRETARY OF VETERANS AFFAIRS BY SECRETARY CONCERNED.—Any expense incurred by the Secretary for the provision of educational assistance under subsection (a) to a dependent described in such subsection shall be reimbursed by the Secretary concerned.''.

(d) TECHNICAL CORRECTION.—Subsection (b)(2) of such section is amended by striking ''to section (k)'' and inserting ''to subsection (j)''.

SEC. 7. LIMITATIONS ON RECEIPT OF EDUCATIONAL ASSISTANCE UNDER NATIONAL CALL TO SERVICE AND OTHER PROGRAMS OF EDUCATIONAL ASSISTANCE.

(a) BAR TO DUPLICATION OF EDUCATIONAL ASSISTANCE BENEFITS.—Section 3322(a) of title 38, United States Code, is amended by inserting ''or section 510'' after ''or 1607''.

(b) LIMITATION ON CONCURRENT RECEIPT OF EDUCATIONAL ASSISTANCE.—Section 3681(b)(2) of such title is amended by inserting ''and section 510'' after ''and 107''.

SEC. 8. APPROVAL OF PROGRAMS OF EDUCATION CONSISTING OF DISTANCE LEARNING.

(a) NONACCREDITED COURSES PURSUED BY DISTANCE LEARNING.—Section 3676(e) of title 38, United States Code, is amended by inserting ''or distance learning'' after ''independent study''.

(b) DISAPPROVAL OF ENROLLMENT IN NONACCREDITED COURSES OF DISTANCE LEARNING.—Section 3680A(a)(4) of such title is amended by inserting ''or distance learning'' after ''independent study'' each place it appears.

(c) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations under section 3323(c) of such title for the administration and approval of programs of education that consist of distance learning.

(d) DISTANCE LEARNING DEFINED.—In this section, the term ''distance learning'' has the meaning given the term ''distance education'' in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

SEC. 9. INCREASE IN AMOUNT OF REPORTING FEE.

Section 3684(c) of title 38, United States Code, is amended—

(1) by striking ''multiplying $7'' and inserting ''multiplying $12''; and

(2) by striking ''or $11'' and inserting ''or $15''.

SEC. 10. AMOUNT OF SUBSISTENCE ALLOWANCE FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 3108(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(4) A veteran entitled to subsistence allowance under this chapter may elect to receive payment from the Secretary, in lieu of an amount otherwise determined by the Secretary under this subsection, an amount equal to the national average of the monthly amount of basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5.''.

SEC. 11. REPEAL OF AUTHORITY TO MAKE CERTAIN INTERVAL PAYMENTS.

Section 3680(a) of title 38, United States Code, is amended after the flush matter—

(1) in subparagraph (A), by adding ''or'' at the end;

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

(3) by striking subparagraph (C).

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 3450. A bill to require publicly traded coal companies to include certain safety records in their reports to the Commission, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, it is time to take mining companies' safety records out of the darkness and bring some much-needed transparency and accountability to the industry.

Today, I am introducing legislation that would require any publicly-traded mining company to include critical mine safety information in its annual and quarterly filings with the Securities and Exchange Commission, SEC.

Shareholders have a direct interest in the safety record of any company they invest in—because safety has as much of an impact on a company's long-term financial health as its mining production.

But today, this safety information is not uniformly reported across the industry. My bill fixes this inconsistency and gives investors the information they need to hold corporate management responsible for the safety record of a company.

That is what my bill is all about: providing shareholders with standard information that can be used to measure and compare safety records across the industry. Specifically, my legislation would require any publicly-traded mine company to report the following information in their annual and quarterly filings with the SEC:

The total number of significant and substantial violations of mandatory health or safety standards;

The total number of failure to abate orders issued under section 104(b) of the Mine Act;

The total number of citations and orders for unwarrantable failure of the

mine operator to comply with mandatory health or safety standards under section 104(d) of the Mine Act;

The total number of flagrant violations under section 110 of the Mine Act;

The total number of imminent danger orders issued under section 107(a) of the Mine Act;

The total dollar value of Mine Safety and Health Administration, MSHA, proposed penalties and fines;

A list of the regulated worksites that have been notified by MSHA of a Pattern of Violation or a Potential to have a Pattern of Violations under section 104(e) of the Mine Act;

Any pending legal action before the Federal Mine Safety and Health Review Commission.

Any mining related fatalities.

In addition, any publicly-traded mining company must immediately disclose to the SEC if it receives a shutdown order under section 107(a) of the Mine Act, imminent danger, or receives notice that a mine site has a potential or actual pattern of violations.

I have always said that, first and foremost, this is about a company doing the right thing to develop a true culture of safety. That includes everyone, from the miner at the coal face to the Chairman of the Board.

If we are serious about making that culture a reality, shareholders need to be informed about safety too.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 3452. A bill to designate the Valles Caldera National Preserve as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that would transfer administrative jurisdiction of the Valles Caldera National Preserve from the Valles Caldera Trust to the National Park Service. I am pleased that my colleague from New Mexico, TOM UDALL, is cosponsoring the bill.

Between the New Mexico communities of Jemez Springs and Los Alamos, lies the Valle Grande, a magnificent valley surrounded by foothills and forested mountains. When standing in this valley, visitors begin to realize they are actually inside a larger bowl-shaped formation. This is the Valles Caldera—one of only three supervolcanoes in the United States. The oldest of the three—having formed 1.25 million years ago—the Valles Caldera is also the smallest. Yet the caldera rim spans more than 100,000 acres in area whose violent eruption created a volcanic ash plume that stretched from northern Utah to central Kansas. Because of its relatively small size as compared to the two other supervolcanoes in the U.S.—Yellowstone, WY, and Long Valley, CA, the Valles Caldera provides visitors with excellent opportunities to learn about large volcanic eruptions and their impacts on surrounding landscapes while they stand in a single space to experience one of the world's best examples of an intact resurgent caldera. In 1975, the Valles Caldera received formal recognition as an outstanding and nationally significant geologic resource when it was designated a National Natural Landmark.

As is the case in many parts of New Mexico, the geologic history of the Valles Caldera is inextricably linked to our State's cultural history. For example, the people of Jemez Pueblo chose the area as the best site to establish their community. The Valles Caldera and the adjacent Jemez Mountains provided the Pueblo with an ample food and water supply, natural defenses, and weapon-making materials present in the many obsidian quarries found in the area. In fact, the obsidian was of such high quality that spearheads made from these quarries have been discovered as far away as eastern Mississippi and northern Mexico. Needless to say, the Valles Caldera and the peaks that formed within it are sacred and highly revered by Jemez Pueblo and many other nearby tribes and pueblos.

The volcanic ash dispersed by the volcano's eruption also had a lasting impact on the history of migration and settlement by Ancestral Puebloan people in the region. As the ash and pumice settled, it formed layers of sediment, and over time, rivers helped to carve these layers into deep canyons. Archeologists have found evidence of nomadic tribes following large mammals into the region, and Ancestral Puebloans built homes alongside and into the soft canyon walls. Many of these awe-inspiring settlements are protected in Bandelier National Monument, where the National Park Service educates visitors about how the unique volcanic history of the Valles Caldera made these settlements possible.

There is no question that this area is worthy of Federal protection, and efforts to preserve this area were proposed as early as 1899. However, it was only ten years ago that the Federal government was finally able to acquire this property for the American people. At that time, Senator Domenici and I were successful in passing the Valles Caldera Preservation Act which authorized the acquisition of the property and established an experimental framework for the management of the Preserve for a period of 20 years. The legislation established the Valles Caldera Trust, composed of a nine-member board of trustees, whose members are appointed by the President and have particular expertise in fields important to the management of the Preserve. The bill also directed the Trust to manage the Preserve in a manner that would achieve financial self-sustainability after fifteen years. Five years thereafter, the Trust would be Although the individual members have done their best to fulfill the original legislative directives, time has shown in my opinion that this management framework is not the best suited for the long-term management of the Preserve.

Part of the experimental management framework was a requirement that the Valles Caldera Trust manage the Preserve in a manner that would achieve financial self-sustainability while providing for public access and protection of the Preserve's natural and cultural resources. This has proved to be a virtually impossible mandate to satisfy. Since its inception, the Preserve has not received adequate funding under the current arrangement and is unlikely to in the foreseeable future. In addition, most members of the board and outside observers believe the Trust will be unable to achieve the financial self-sustainability requirements called for by the original Act. The Trust has also indicated an infusion of approximately $15 million may be necessary to complete construction and deferred maintenance costs on the Preserve. I do not believe this funding will be forthcoming under the current management and budgetary framework. Moreover, much of the funding responsibility has been laid on the shoulders of Congress to provide the necessary annual funding that is not included in the President's annual budget. This arrangement is not sustainable in my opinion, and the existing statutory termination of the trust is looming.

With that said, the trust and its executive staff have made valuable progress in various areas of management. One prime example is the science and education program established by the Trust. Through the scientific activities on the preserve, the trust has been able to adapt its management based on the ecological demands of the caldera. The trust has promoted the scientific research of flora and fauna on the preserve and the impacts of climate change in the Jemez Mountains to cite a few of their ongoing activities. It is my belief that the transition in management should allow for the retention of the best management practices that the Trust has achieved.

Many New Mexicans have told me that they would like the preserve to be managed by an agency that will expand visitation and recreational opportunities while also ensuring the protection of the preserve's unique resources. Simply put, while my constituents eagerly want more access, they have stated clearly and directly—''Don't overrun it.''

I believe the National Park Service is best suited to manage the preserve while ensuring its long-term conservation.

The National Park Service's mission supports the activities called for most by my constituents, including expanded recreational opportunities, scientific study, and the interpretation of the natural and cultural resources in the preserve. As I discussed earlier, the Preserve provides a world-class opportunity for the interpretation of the geologic history of this unique area and of the fascinating geologic and cultural history that binds the Valles

Caldera and Bandelier National Monument.

Under our proposed legislation, management of the Valles Caldera National Preserve will be transferred to the National Park Service to be administered as a unit of the National Park System. The bill directs the Park Service to manage the Preserve to protect and preserve its natural and cultural resources, including its nationally significant geologic resources. Hunting and fishing would continue to be allowed, and grazing would also continue to be permitted. The National Park Service would also be directed to establish a science and education program utilizing the best practices created by the trust, as I discussed earlier.

The legislation would maintain the existing character of the preserve while strengthening protections for tribal, cultural, and religious sites and providing access by pueblos to the preserve. In addition, in consultation with the surrounding pueblos, restrictions will be put in place on the development and motorized vehicle use on the sacred volcanic domes within the preserve, similar to the current restrictions on Redondo Peak, the highest peak within the preserve.

I would like to emphasize that in no way is this legislation a criticism of the good work and valuable accomplishments made by the Board Members of the Valles Caldera Trust and the preserve staff. However, I believe having the preserve managed by the National Park Service—an agency with a mission protecting natural, historic, and cultural resources while also providing for public enjoyment of those resources—is more appropriate for the long-term future of the Valles Caldera. In my view, the desire for increased public access, balanced with the need to protect and interpret the Preserve's unique cultural and natural resources, would be best served by National Park Service management of the preserve.

It is my strong belief that transferring management of the Valles Caldera National Preserve to the National Park Service will be the best way to ensure the protection and enjoyment of the preserve over the long term. I urge my colleagues to support the bill as it is considered in the Senate.

The Los Alamos County Council and Los Alamos Chamber of Commerce have submitted resolutions in support of National Park Service management of the preserve. Mr. President, I ask unanimous consent that these resolutions be printed in the RECORD.

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

INCORPORATED COUNTY OF LOS ALAMOS
RESOLUTION NO. 10–05

A resolution supporting congressional actions to facilitate the transfer of management of the Valles Caldera National Preserve from the Valles Caldera Trust to the National Park Service under the U.S. Department of the Interior to be managed as a preserve, per the findings of the December 2009 updated report on the NPS 1979 new area, study that confirmed the Valles Caldera National Preserve's ability to meet the feasibility requirements of the National Park System.

Whereas, the enabling legislation PL106–248 created the Valles Caldera National Preserve (VCNP) from a unique parcel of land in north-central New Mexico, and by creating the Valles Calderas Trust as a wholly-owned government corporation to manage the preserve, the Valles Caldera Preservation Act of 2000 established a 20-year public-private experiment to operate the preserve without continued federal funding; and

Whereas, the Trust is charged with protecting and preserving the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the Preserve and achieving financial self-sufficiency by 2015, while operating the Preserve as a ''working ranch;'' and

Whereas, the GAO analyzed documents and financial records, and interviewed staff and stakeholders to determine the Trust's progress since 2000, the extent to which the Trust has fulfilled its obligations as a government corporation, and the challenges the Trust faces to achieve the Preservation Act goals, the results of which are published in an October 2009 Report to Congressional Committees, concluding that ''The Trust Has Made Progress but Faces Significant Challenges to Achieve Goals of the Preservation Act;'' and

Whereas, the national significance of the geological resources of the Valles Caldera was formally recognized in 1975 when the area was designated a National Natural Landmark; and

Whereas, the National Park Service (NPS) has existed since 1916 and has a proven record for successfully managing 89 million acres of sensitive and historically important public lands in America; and

Whereas, Senator Jeff Bingaman and Senator Tom Udall, on June 24, 2009 requested that the NPS undertake a reconnaissance study of the Valles Caldera National Preserve to assess its potential for inclusion in the NPS as a National Preserve; and

Whereas, the NPS completed ''An Updated Report on the NPS 1979 New Area Study'' published on December 15, 2009 which includes the following conclusion based on the findings: ''. . . the feasibility of the Valles Caldera for inclusion in the national park system has been enhanced since 1979. The national significance and suitability of the site for inclusion in the system is confirmed;'' and

Whereas, the report concludes that ''current uses within the VCNP are generally compatible with those in other preserves or parks in the national park system, and there is untapped potential for enhancing public enjoyment;'' and

Whereas, the report further concludes that ''a single management entity for Valles Caldera and Bandelier would enhance communication, and integration of management programs that require a regional approach, such as fire management, law enforcement, and emergency response would facilitate comprehensive management of resource issues that affect both the Preserve and Bandelier National Monument;'' and

Whereas, the report states that ''the national information system and audience for sites within the National Park System would [result in] increases in regional and national public use of the area . . . [and] result in increased retail sales for recreation and convenience goods locally, as well as increased volume of recreational, tourist, and other services; and

Whereas, the VCNP adjoins Los Alamos County lands and is treasured by residents and visitors as a valuable natural, historical, recreational and educational resource; and

Whereas, Los Alamos County is recognized and marketed as the primary gateway to the VCNP, providing support services such as lodging, restaurants, shopping and additional cultural and recreational experiences to tourists from around the world who seek out this unique, north-central New Mexico attraction; and

Whereas, management of this resource directly affects Los Alamos County's economic development initiatives, particularly in the area of tourism marketing; and

Whereas, the majority of the members of public who submitted comment via meeting and e-mail expressed their desire for the National Park Service to assume land management and operations for the Valles Caldera National Preserve; and

Whereas, the National Park Service policies require a general management plan process that engages the public in a collaborative effort to identify preferred uses, restrictions and management practices, while allowing temporary public access to the Valles Caldera National Preserve; and

Whereas, the County respectfully requests that the enabling legislation include language to expedite the management plan process, where possible, in order to move from planning and temporary access to implementation. Now, therefore, be it

Resolved, by the Council of the Incorporated County of Los Alamos, That the County of Los Alamos supports the transfer of the Valles Caldera National Preserve to the U.S. Department of the Interior's National Park Service to be managed as a preserve. Los Alamos County requests to be notified and involved in the process at every opportunity; be it further

Resolved, That if legislation to transfer the Preserve is not enacted in 2010 Congress consider action to modify the year 2000 enabling legislation to remove obstacles restricting the Valles Caldera Trust's ability to effectively manage the Preserve to meet the public's access priorities

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LOS ALAMOS COMMERCE &
DEVELOPMENT CORP.,
Los Alamos, NM, April 27, 2010.

Subject: Comment Concerning Future Management of Valles Caldera.

Senator JEFF BINGAMAN,
Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: Please accept our organization's comment on the question of the future management of the Valles Caldera property. Our organization operates several programs having strong interest in this matter. The Los Alamos Chamber of Commerce is an association of about 300 businesses, organizations, and individuals interested in positive community and economic development and our Los Alamos Meeting and Visitor Bureau program operates visitor centers in Los Alamos and White Rock and is an important resource for understanding visitation and tourism in our area.

We believe that the most desirable management option coinciding with the interests of the Los Alamos community is for the Valles Caldera to become a National Park managed by the National Park Service. This option presents several advantages:

The National Park Service option is by far the best from the standpoint of promoting visitation and tourism to the area. The NPS ''arrowhead'' is a powerful brand that far exceeds those of forest service and the Valles Caldera Trust in terms of attracting interest and visitation.

The NPS mission of ''safeguarding America's special places'' stands in contrast with the role of the Forest Service in consumptive use of resources. In contrast with the VCNP Trust, the NPS works with small businesses

to provide concession opportunities whereas the VCNP is motivated to develop captive services that do not provide such opportunities. These attributes of the NPS are best aligned among the three management options with our community's interests in realizing economic benefit from visitation and tourism.

In our experience in Los Alamos County, the involvement of the NPS in our community has far exceeded that of the other proposed management entities. Based on this experience, we believe that it is more likely that the NPS would be interested in working closely with our community for mutual benefit.

Please note that we do not expect the Valles Caldera to become ''Los Alamos-centric'' in any of the scenarios. We think that Los Alamos is a natural eastern gateway to the Valles and the Jemez Mountains just as we recognize that Jemez Pueblo and Jemez Springs are natural western gateway communities. We understand that it will be important for whatever management entity that is selected to reach out in both of these directions. We encourage that as general input regardless of the choice that is made.

We think that there is an opportunity to collaborate with the selected entity on a joint visitor center (or centers) in Los Alamos County. Such a facility would be a natural first stop for visitors to Los Alamos and would feature not only the Valles Caldera, but also Bandelier National Monument, the Bradbury Science Museum, the Los Alamos Historical Museum, the Pajarito Environmental Education Center, area Pueblos, and area recreational attractions. We are currently the operator of the visitor center here and we would welcome the opportunity to collaborate on a joint visitor center. We believe that this would enhance the visitor experience as well as enable economies of operation.

Thank you for listening to and accepting our input. Our organization stands ready to assist the selected management entity for the Valles Caldera.

Sincerely,

KEVIN HOLSAPPLE,
Executive Director.

On behalf of the Board of Directors of LACDC.

Mr. UDALL of New Mexico. Mr. President, today I join Senator BINGAMAN in introducing a bill to designate the Valles Caldera National Preserve as a unit of the National Park System. Known as the Valle Grande, this icon of the Jemez Mountains is one of the largest volcanic calderas in the world. The vast grass-filled valleys, forested hillsides, and numerous volcanic peaks make the Valles Caldera a treasure to New Mexico, and a landscape of national significance millions of years in the making.

Volcanic activity began in the Jemez Mountains about 10 million years ago. This activity reached a climax about 1.5 million years ago with a series of explosive rhyolitic eruptions that dropped hundreds of meters of volcanic ash for miles surrounding the caldera, and gave the surrounding area its distinctive landscapes of pink and white tuff overlaying the black basalts of the Rio Grande Rift. In the millennia following the Caldera's explosive creation, natural processes of erosion and weathering carved vibrant canyons and left piñion topped mesa stretching like fingers away from the massive caldera. As the great valley was drained of magma, and later a caldera lake, it filled with the diversity of plants and wildlife that makes the area so valuable to biologists and ecologists today. With such resources and natural beauty, it is no wonder that for millennia people have also been an integral part Valle Grande.

For generations innumerable, the Valles Caldera has been a part of life for the Pueblo Tribes of northern New Mexico. Today, the caldera continues to have important cultural and religious significance, something that must and will be respected and protected as the preserve moves into the management of the National Park Service.

In recent centuries, the Valles Caldera has been often in private ownership beginning with Spanish settlers who introduced livestock to the grassy valleys that continue to fatten elk and cattle in the summer months. Recognizing the unique national significance of the caldera, the Federal Government finally purchased the area in 2000 through the Valles Caldera Preservation Act, which I was proud to help shepherd through Congress with Senator BINGAMAN and then-Senator Domenici. The subsequent creation of the Valles Caldera National Preserve included the creation of a board of directors and the Valles Caldera Trust to manage the area. The legislation also included mandates for stakeholder involvement and eventual financial self-sufficiency of the preserve.

As Senator BINGAMAN and I take steps today to begin a transition of the Valles Caldera into the National Park System, I want to applaud the decade of work that both the Board of Trustees and the Valles Caldera Trust have dedicated to the preserve. I especially want to highlight the contributions of individual employees who have been on the ground in the caldera, day after day, developing research programs that utilize the unmatched natural resources of the caldera, managing cattle grazing and expanding the livestock program to include cutting edge scientific research, and extending educational opportunities in the caldera to students from across state and the country.

With the heavy mandate of self-sufficiency looming and the annual struggle to get sufficient funding for the caldera, Senator BINGAMAN and I are proposing a new direction forward. As a new unit of the National Park Service, the National Preserve will have a sustainable future with greater access to the public.

Since 1939, the National Park Service has conducted numerous studies of the Valles Caldera. In each, the Park Service consistently deemed the area of significant national value because of its unique and unaltered geology, and its singular setting, which are conducive to public recreation, reflection, education, and research. With this legislation the Secretary of Interior is directed to continue the longstanding grazing, education, and hunting programs that so many New Mexicans value as a once-ina-lifetime opportunity. By utilizing the resources and skills within the National Park Service, I believe the Valles Caldera National Preserve will continue to prosper as a natural wonder full of significant geology, ecology, history, and culture.

The Valle Grande is truly that: a great valley that so very many New Mexicans value and feel connected to. The future of the preserve is of utmost importance to us in New Mexico, and also has significance nationally. I look forward to working with Senator BINGAMAN and all of the stakeholders who care about the future of this preserve to ensure that this legislation emerges from the legislative process with improvements that are supported by my colleagues in the Senate and—most importantly—by the people of New Mexico.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 541—DESIGNATING JUNE 27, 2010, AS ''NATIONAL POST-TRAUMATIC STRESS DISORDER AWARENESS DAY''

Mr. CONRAD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 541

Whereas the brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being;

Whereas 12 percent of Operation Iraqi Freedom veterans, 11 percent of Operation Enduring Freedom veterans, 10 percent of Operation Desert Storm veterans, 30 percent of Vietnam veterans, and at least 8 percent of the general population of the United States suffers from Post Traumatic Stress Disorder (referred to in this preamble as ''PTSD'');

Whereas the incidence of PTSD in members of the military is rising as the United States Armed Forces conducts 2 wars, exposing hundreds of thousands of soldiers to traumatic life-threatening events;

Whereas women, who are more than twice as likely to experience PTSD than men, are increasingly engaged in direct combat on the front lines, putting these women at even greater risk of PTSD;

Whereas—

(1) from 2003 to 2007, approximately 40,000 Department of Defense patients were diagnosed with PTSD; and

(2) from 2000 to 2009—

(A) more than 5,000 individuals were hospitalized with a primary diagnosis of PTSD; and

(B) more than 500,000 individuals were treated for PTSD in outpatient visits;

Whereas PTSD significantly increases the risk of depression, suicide, and drug and alcohol related disorders and deaths;

Whereas the Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain; and