United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, WEDNESDAY, DECEMBER 1, 2010 No. 155

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 1, 2010.

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

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Tom Dore, Pastor Emeritus, St. Giles Parish, Oak Park, Illinois, offered the following prayer:

Gracious Lord, the Members of the United States House of Representatives have been given the awesome responsibility and privilege of the stewardship of governance by the citizens of our country. They must be truly grateful for the trust placed in them by those same citizens.

Today, I ask for Your gift of wisdom, right judgment and hearts and minds open to Your Spirit.

I pray for the spirit of cooperation and collaboration as they seek to guide our country as it faces the many significant challenges both nationally and internationally.

Although there may be differences on how to accomplish specific goals, the Members of the House must always keep in mind the inspiring vision of our Founders—the common good of the people they serve.

Gracious and loving God, be with them in their deliberations, for without Your help and guidance, the deliberations may prove limited and disappointing.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PASCRELL led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 6162. An act to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items.

H.R. 6166. An act to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 3386. An act to protect consumers from certain aggressive sales tactics on the Internet.

S. 3987. An act to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors.

The message also announced that pursuant to Public Law 107–12, the Chair, on behalf of the Majority Leader, appoints the following individual as a member of the Public Safety Officer Medal of Valor Review Board:

Albert H. Gillespie of Nevada vice Thomas J. Scotto of New York.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

THE ELEPHANT IN THE ROOM

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

Mr. PASCRELL. Mr. Speaker, today I rise to address the elephant in the room—the expiration of the tax rates that will occur 31 days from now.

We all agree that it is imperative that we work together to provide America's working-class families with tax relief as soon as possible. That is why I applaud the President for meeting with Members from the House and Senate in order to forge a bipartisan compromise.

But to be fair, this past September, I, along with Messrs. CAPUANO, HIGGINS and OWENS, proposed a compromise that provides tax relief for American families and that gives Congress the fiscal flexibility to address our long-term deficit. I am proud to say that the Joint Committee on Taxation has confirmed that this plan costs significantly less and provides greater flexibility to reduce the national debt.

Our compromise includes a 5-year extension of the middle class tax rates and the current rates on long-term capital gains and qualified dividends, costing $801.5 billion; and a 1-year extension of the current rates for income earned between $250,000 and $500,000, costing $8.27 billion.

This plan is better than the $2.2 trillion over 10 years which is now before

Printed on recycled paper.

us. It is a compromise, and we ought to try it sometime.

H.R. 5866, THE NERD ACT

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

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, by 2030, America's energy needs will increase by 40 percent, and our nuclear power plants are, on average, 30 years old and are nearing the end of their life cycles.

We need more energy.

The Nuclear Energy Research and Development Act, which passed the House last night, accelerates the development of small, pre-made reactors that can be built in factories and shipped to sites at a fraction of the cost. Today, a typical nuclear power plant costs $10 billion, takes 5 years to build, and produces more than 1,100 megawatts. Small reactors cost $750 million, which can be quickly added to the grid and shipped into the place.

We need energy independence; but to rebuild our economy, we need products that can be developed here, built in our factories, and sold all over the world; or we can keep sending our dollars to OPEC. This year, the U.S. will buy $350 billion of foreign oil; and for roughly 1 day's worth of oil purchased from a foreign country, this bill invests in the technology that produces these new energy plants.

The stimulus bill gave us windmills made in China. Let's not repeat that mistake. If we don't do this in the USA, other countries can and will make them and ship them here. Let's support U.S. jobs for U.S. energy.

I urge the Senate to quickly adopt H.R. 5866.

BUSH TAX CUTS

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

Ms. SCHWARTZ. Mr. Speaker, this morning, I rise in support of middle class Americans.

As Americans continue to face economic challenges, the deadline looms for extending middle class tax cuts that provide relief where it is most needed; but congressional Republicans are holding these middle class tax cuts hostage in favor of tax breaks for the wealthiest 1 percent of Americans, burdening our children and our grandchildren with unsustainable debt.

Their argument for millionaire tax breaks: it will trickle down to the middle class and create jobs.

But if that were true, America would not be in the economic situation it is in now. If personal tax cuts for the very wealthy create jobs—and they've had them for 10 years—where are those jobs?

Congressional Republicans have made it quite clear that they are willing to hold up tax breaks for middle-income families to protect multi-millionaires. Republicans talk about reducing our deficit, but they are perfectly happy to balloon the deficit by $700 billion to give tax breaks to the richest Americans.

In the coming weeks, we will see if Republicans stand up for middle class Americans or if they stand against them.

IT IS TIME TO SHUT WIKILEAKS DOWN

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

Mrs. MILLER of Michigan. Mr. Speaker, we saw again this week the organization WikiLeaks release hundreds of thousands of classified documents which threaten to undercut American foreign policy as well as our national security.

The person who has been accused of releasing this sensitive information is an American PFC, who is now facing charges that could lead to 52 years in prison if he is convicted. These penalties are too lenient because this PFC has not just violated orders; he has committed treason.

I think that WikiLeaks and its founder, Julian Assange, should be facing criminal charges; and his Web site, which he uses to aid and abet our terrorist enemies, should also be shut down to defend our national security.

Attorney General Eric Holder held a press conference the other day, proudly announcing that the Federal Government had shut down several Web sites for selling knock-off purses and other items. Well, I have an idea for Attorney General Holder: shut down WikiLeaks, which represents a far greater threat to our national security than the sale of fake Louis Vuitton bags.

It is time that the Obama administration treats WikiLeaks for what it is—a terrorist organization, whose continued operation threatens our security.

Shut it down. Shut it down. It is time to shut down this terrorist organization, this terrorist Web site, WikiLeaks. Shut it down, Attorney General Holder.

□ 1010

REPEAL DON'T ASK, DON'T TELL

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

Mr. HIMES. Mr. Speaker, in 1857, just down the hall, the Supreme Court, which met in this building at the time, decided Dred Scott, in which they said that a black American was not entitled to the rights of the Constitution promised to all men. The good news is that over the years this institution has done the right thing—civil rights legislation, any number of things—to expiate that sin, but 17 years ago this body passed legislation which discriminated against our soldiers that said if you are gay, you can't serve your country; that regardless of how much we spent to train you, regardless of how critical your expertise is to keeping this country safe, you cannot serve your country.

A report came out yesterday which indicates that there is, at most, a negligible threat, a negligible problem if we get rid of Don't Ask, Don't Tell. Now is the time to fix that sin of 17 years ago and say to gay Americans that if you're patriotic enough to serve this country, we welcome you in the armed services.

I urge the Senate to act to repeal this act and to really get us closer to our founding creed.

LET'S GET TO WORK FOR THE AMERICAN PEOPLE

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

Mr. NEUGEBAUER. Mr. Speaker, today is December 1, just 25 days until Christmas, but the American people have Christmas on their mind right now. In fact, they sent a list of some of the things that they do and do not want on November 2 to this administration and to this body. They said we want jobs, not more taxes. They said we want jobs, not more spending and deficits. We want jobs, not more Big Government.

If we want to make sure that the American people have a very merry Christmas, let's pass H.R. 4676, which I introduced, which brings taxpayers certainty and gives every American taxpayer tax relief that they both deserve and need.

Let's give the American people a merry Christmas. Let's do the right thing for the American people. Let's do the right thing for the future of our children and our grandchildren. Let's get to work and quit naming post offices in this country and go to work for the American people.

EXTENDING TAX CUTS

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

Mr. TONKO. Mr. Speaker, I rise today with one question for former President George W. Bush and the Republican leadership in Congress: Where are the jobs?

With inspirational titles promising economic growth and job creation, the 2001 and 2003 tax cut packages fell well short of their names. From 2001 to 2007, the economy grew at its slowest pace since World War II.

The Bush tax cuts failed to bring the growth they promised, and now my colleagues on the other side of the aisle want a no-questions-asked extension of

this failed policy. Not so fast. Sixty-six percent of all growth between 2001 and 2007 went to the top 1 percent of Americans. Did that trickle down to the rest of us? All you have to do is ask a family in Albany or Schenectady or Troy, New York that I represent. My district will say it most certainly did not.

In the debate over extending tax cuts, the choice is clear. I stand with the 98.1 percent of households in my district, the middle-income community, the working families. I hope my colleagues on both sides will review their own district numbers and do the same.

FINISH BUSINESS

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

Mr. FLEMING. Mr. Speaker, on November 2, Americans sent a message to Washington that we are sick and tired of the out-of-control spending and bigger government that has existed over the last 2 years. While the lame duck Congress has unfinished business to complete, such as permanently extending the current income tax rates, Democrats in Congress have hinted at other plans to continue their irresponsible spending spree by passing a massive omnibus spending bill.

Mr. Speaker, after the bell-ringing on November 2, surely Democrats in their few remaining days of control are not intending to use this lame duck session to continue the failed policies that got us into this mess to begin with. I implore this body to act immediately to cut spending, balance the budget, extend the current tax rates, and send this Nation on a new path to greatness while ensuring the people's voice is once again heard in Washington.

EXTENDING TAX CUTS VERSUS UNEMPLOYMENT BENEFITS

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

Ms. PINGREE of Maine. Mr. Speaker, in the remaining days of this Congress we have some choices to make, and those choices couldn't be more clear. Are we going to extend tax cuts for the rich, giving millionaires an average break of over $100,000, or are we going to continue unemployment benefits of about $245 a week for out-of-work Americans? Are we going to approve a giveaway to high-paid CEOs that the Congressional Budget Office puts at the bottom of their list of what would stimulate the economy, or are we going to extend the unemployment benefits the CBO puts at the top of that same list? Are we going to hand out tax breaks to the wealthy that will add $700 billion to the deficit, or are we going to continue funding unemployment checks that generate $2 in economic activity for every $1 in benefits paid?

The American people sent us here to set priorities and make tough choices. Putting American workers ahead of millionaires and billionaires should be our priority, and it shouldn't be a tough choice to make.

BIG GOVERNMENT ORDERS BIG SIGNS

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

Mr. POE of Texas. Mr. Speaker, the Federal Highway Administration is ordering all local governments to go out and purchase new road signs. Why? Because the brilliant bureaucrats say these signs are easier to read. It took 800 pages of ''easy-to-read'' regulations and redtape to mandate making letters two inches taller. The new signs must be reflective and cannot be in all caps. New York City alone will have to spend $27 million just to revamp their sufficient signs. Millions will be spent by other financially troubled cities.

Why is this happening? Because, as the saying goes, ''We're from government, and we're here to help you.'' What if the towns refuse to replace their perfectly good signs with the Federally authorized signs? Will the intrusive Federal street sign police come out and cart the city officials off to jail for road sign violations? And what's next? Will the Feds soon require signs be in multiple languages? Once again, Big Government solves problems that don't exist and answers questions no one is asking. And that's just the way it is.

MIDDLE CLASS TAX CUTS AND JOBS

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

Mr. BACA. Mr. Speaker, we must remind the American people when President Obama took office, he inherited a $1.2 trillion deficit, the recession, and mounting job losses. In the last 2 years we have worked hard to end the outsourcing of jobs overseas and lay the groundwork to create new jobs here at home. But with the unemployment rate at 9.6 across the Nation and over 14 percent in my area in California, we must do more. If Congress does not act to extend the unemployment insurance benefit, 2 million Americans stand to lose benefits during the holiday season. Yet, instead of working with us to provide assistance to struggling families, Republicans—I state Republicans—continue to obstruct and push for budget-busting tax breaks for America's millionaires.

We must extend unemployment benefits, and we must approve the Obama middle class tax cut plan without the deficit-increasing tax breaks for America's richest few. Let's work together to help families through these tough times and create the jobs the American people need.

AMERICA'S ECONOMIC CRISIS

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

Mr. DUNCAN. Mr. Speaker, Ireland, with a population of just 4.4 million, has been forced to get a $90 billion bailout to keep from crashing. With our debt of almost $14 trillion and trillion-dollar yearly deficits, we are very close to becoming a gigantic Ireland financially. A similar bailout for the U.S. would be over $6 trillion.

In yesterday's Washington Post, columnist Fareed Zakaria, concerning what he called our economic crisis, wrote this:

''Washington is asking consumers to stop saving and start spending, while the government issues more debt and the Fed lowers rates—all measures designed to increase debt.'' ''In other words,'' he wrote, ''we are fighting a crisis caused by excessive debt by encouraging excessive debt. Is that really the best way to get growth?''

A few months ago the Post editorialized, ''It's time to stop worrying about the deficit and start panicking about the debt. The fiscal situation was serious before the recession; it is now dire.''

The problem is that the Post, like too many in this city, always attacks any attempts to cut spending.

□ 1020

CONGRATULATING CHARLES BARNUM ELEMENTARY SCHOOL

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

Mr. COURTNEY. Mr. Speaker, yesterday U.S. Secretary of Education Arne Duncan placed a call to the principal of the Charles Barnum Elementary School in Groton, Connecticut, to congratulate the school's 100 percent math score and 92 percent reading score in the Connecticut Mastery tests.

The school's success was notable for two reasons: First, because Barnum is a good old-fashioned public school that raised its test scores to almost perfection the right way—through teamwork by administration, teachers, staff, students, and parents—and second, because it's a school adjacent to the Groton Navy sub base with over 90 percent of its student body children of active duty Navy. These are families which face tremendous challenges with parents away at sea for months at a time incommunicado with their kids. Despite that environment, the Barnum community has made sure that its kids are achieving the highest level of proficiency in reading and math.

Congratulations to Principal Valerie Nelson and everyone at Barnum, and thank you for giving the country an example of educational success which we in Congress should carefully examine as the time approaches to reform America's schools.

EARMARKS

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

Mr. REHBERG. Mr. Speaker, earmarks represent the culture of spending that has led to record deficits and debts that are literally costing us our future. We've got to change that culture, and we've got to start right now. Today, we can save the American taxpayer as much as $16.5 billion. That money can go to pay down some of the debt we've accrued against our children's future. That's why I made the decision last year to forgo earmarks. It wasn't an easy decision, but it was the right one. That's why President Obama and Montana's Democrat Governor have also thrown their support behind eliminating earmarks.

But earmarks are just the beginning. We also need to balance the budget and seriously cut spending across the board. If Congress doesn't have the courage to cut earmarks, how can we hope to tackle the bigger problems later?

HONORING ANTOINE GARIBALDI

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

Mrs. DAHLKEMPER. Mr. Speaker, I rise today to honor a great leader in Erie, Pennsylvania, Antoine Garibaldi, the sixth president of Gannon University.

Dr. Garibaldi has been a dynamic force in higher education and throughout the community. Since 2001, he has worked to ensure that Gannon remains a world-class university. Dr. Garibaldi's visionary leadership has helped Gannon's enrollment grow by more than 24 percent.

With his wife, Carol, Antoine has led revitalization efforts to make downtown Erie a vibrant, thriving area. The Garibaldis' work benefits not only the students of Gannon but the whole of the Erie community. I am grateful for their commitment to our city.

Antoine Garibaldi is a pillar in the Erie community, and it is with grateful hearts that we wish him the greatest of fortune as he takes on the role of president of the University of Detroit Mercy next year.

Dr. Garibaldi's service in the area will be greatly missed, and we thank him for all that he has done.

NATIONAL DAY OF RECOGNITION FOR PARENTS OF CHILDREN WITH SPECIAL NEEDS

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today as a cosponsor of the National Day of Recognition for Parents of Children with Special Needs to honor those who have dedicated themselves to making the lives of their special needs children better and more fulfilling.

I saw a news program over the Thanksgiving holiday that talked about a time in this country when children who were different or had special needs were often institutionalized or forgotten. That was less than 50 years ago.

There are still children who need extreme care that can't be given by their parents alone, but many of these parents begin a journey with their special needs child with a goal of making their lives as complete and stimulating as possible. The journey takes them through medical journals and expert opinions. It often places them in opposition to established school procedures and leads them to new solutions to pave the way for other special needs students. It takes their time, their treasure, and most of all their love and patience.

These parents don't give up or give in, and their children are the better for it.

UNEMPLOYMENT INSURANCE AND TAX CUTS

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

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today to give voice to the growing chorus of millions of hard-working Americans who are without their unemployment benefits and to middle class taxpayers who deserve tax cuts on their income up to $250,000 permanently.

We're seeing a steady improvement in the economy, but families are still struggling and need unemployment benefits to put food on the table and remain in their homes. Extending unemployment is more than support for our families, friends, and neighbors; it's also good economics. According to the independent Congressional Budget Office, it's hands down the most cost-effective stimulus available.

Mr. Speaker, I want to clear up the confusion. My colleagues on the other side of the aisle are fighting for tax cuts for millionaires while millions of Americans are losing unemployment benefits. My colleagues on the other side are calling for us to pay for $18 billion to extend unemployment but refuse to see the hypocrisy of putting $700 billion of tax cuts for millionaires on the backs of our children and grandchildren.

To be clear, Mr. Speaker, this Congresswoman and congressional Democrats are fighting for real families, 98 percent of middle class families, 9.6 percent unemployed. Republicans are fighting for the 2 percenters, the millionaires.

Let's stop it right here.

HONORING ''CHI CHI'' RODRIGUEZ

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

Mr. PIERLUISI. Mr. Speaker, I rise in strong support of House Resolution 1430, which honors ''Chi Chi'' Rodriguez for his commitment to Latino youth programs.

Chi Chi was born into a poor family in Puerto Rico and began working at the age of 7. He taught himself how to play golf and enjoyed a very successful professional career, becoming the first Puerto Rican inducted into the World Golf Hall of Fame.

I rise today, though, to commend Chi Chi not for his extraordinary golf skills but for his philanthropy. His civic work has helped countless youths and earned him membership in the World Humanitarian Hall of Fame.

Yesterday, it was suggested on the floor of this House that it is a waste of time and resources to consider and pass this resolution. With all due respect, it is never a waste of time to recognize and praise the actions of a great human being, particularly when those actions help our youth.

It is one thing to promote fiscal responsibility; it is quite another to ignore or, even worse, intend to demean the feats of an extraordinary American.

I urge all of my colleagues to vote for House Resolution 1430.

JEC UNEMPLOYMENT INSURANCE REPORT MAKES STRONG CASE

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

Mrs. MALONEY. Mr. Speaker, last night the unemployment benefits expired for 2 million Americans, including over 159,000 New Yorkers and 95,000 residents of New York City. The Joint Economic Committee, which I chair, released a report that finds that there could be serious unintended consequences if Congress should not renew this vital program; consequences not just for 2 million Americans who lost their jobs, but for our larger economy as well.

Failing to renew the program with its 99-week cap could result in the loss of over 1 million jobs over the next year, wiping out almost a year's worth of hard-won progress. Failing to preserve unemployment benefits would also drain the economy of $80 billion in purchasing power just as our fragile economy is recovering.

At a time when there are five unemployed Americans for every job opening, failing to extend unemployment benefits goes against both all common sense and economic sense. We must support and extend this vital renewal of this program.

MIDDLE CLASS TAXES

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, middle-income families are the backbone of our economy, and that is why we should not wait any longer to vote on extending tax cuts for middle-income families. Extension of these taxes have been held hostage by the discussion of whether to extend the rates for the wealthiest Americans.

Ninety-eight percent of Americans face a tax increase January 1. For the typical middle-income American family, that would be the loss of $2,000 a year. The Republican demands would mean that those making more than a million dollars a year would receive an average of $100,000 annually, and the middle-income would be saddled with the $700 billion in new debt to pay for the multimillion-dollar tax cut for billionaires.

The billionaires' lifestyles will not change, and no significant jobs will be created. If they were going to be, they would be now.

I am committed to continuing tax cuts for middle-income families on incomes up to $250,000.

Mr. Speaker, I favor jobs. Tax cuts for the rich will change nothing, but it will increase the deficit.

□ 1030

PROVIDING FDIC PROTECTION FOR IOLTAS

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

Mr. SARBANES. Mr. Speaker, I rise today in strong support of H.R. 6398, which I was proud to cosponsor with my colleague, Congressman DOGGETT. This important measure will ensure that lawyer trust accounts, the interest income from which goes to support legal services programs across this country, will be fully insured by the Federal Deposit Insurance Corporation, therefore providing to the providers of these programs an important assurance that going forward this source of funding will be protected.

For almost 20 years before I came to this body, I had the privilege of working with some of the finest legal services providers in the State of Maryland. And I want to thank them for the work they do every day to provide assistance to those underserved in our community. Every opportunity we get to support their work we should seize upon. And that's what we do with this measure. I thank my colleagues for their support of H.R. 6398.

PASS THE FREE TRADE AGREEMENTS

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

Mr. DREIER. Mr. Speaker, we all know the sad news of the expiration of unemployment benefits. And we feel very strongly about ensuring that the American people who are struggling are able to have their needs met. We also feel strongly that it must be paid for. We also feel very strongly, Mr. Speaker, that the focus should be on job creation and economic growth.

We have three pending trade agreements with Panama, Colombia, and South Korea, which not only would have far-reaching economic impacts on the United States of America, but at the same time it would have a very, very important geopolitical impact. And it seems to me that as we look at creating good manufacturing jobs for union and nonunion workers in the United States, at companies like Caterpillar, John Deere, Whirlpool, other union companies, that the single best thing to do for those workers and potential union and nonunion workers is to open up markets where there are 40 million consumers in Colombia.

The single largest bilateral free trade agreement in the history of the world would be the U.S.-Korea free trade agreement. And so, Mr. Speaker, I would like to join, and I know there is bipartisan support for this, in encouraging the administration to send up those agreements so that we can focus on what it is the American people want us to do, and that is create good manufacturing jobs right here in the United States.

TRIBUTE TO CHAIRMAN JAMES L. OBERSTAR

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

Mr. GARAMENDI. Mr. Speaker, I am struck by the comments of my colleague from California and his desire to build jobs here in America. My comments today are really directed towards the chairman of the Transportation and Infrastructure Committee, Mr. OBERSTAR, who will be leaving this House at the end of this year, an extraordinary individual who over his 40 years in this House has led the way for good American union jobs in the construction industry.

Unfortunately, when it came time in the stimulus bill, not one Republican voted for the stimulus bill that created 1.5 million union jobs in the construction industry. Unfortunately, that was the case. You can't have it both ways, I suppose. Mr. OBERSTAR has led the way time and time again for worker safety, to make sure that Americans had the transportation, the infrastructure that they needed.

I have had the great pleasure of working with him and learning from him. I am sure I join with every colleague in this House, Democrat and Republican, to say that we will miss him deeply, and his leadership will be lost upon us.

IN MEMORY OF BOB ABBOTT

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

Ms. WATSON. Mr. Speaker, I come to memorialize Bob Abbott, a young man who saw the future in terms of technology and who worked on inventing the digital ways of communicating. He was a researcher who looked around the world and saw what was needed in terms of computers. And he helped the team in Silicon Valley solve some of those problems. He died about a month ago.

He would be appalled to know that all of his hard work to bring communications together would leave out those who are unemployed. As you know, 39 percent say that not eliminating the tax cuts for those earning more than $250,000 a year would be a travesty. Bob worked so hard to address these issues through his computer communications. We have to be sure that those people who have worked so diligently in manufacturing and in other areas of technology are taken care of when they lose their jobs.

In memory of a young man who worked so hard to bring communication skills to all Americans, I say to him we will make a move to see that the unemployed have work in your memory.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 101, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1741 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1741

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 101) making further continuing appropriations for fiscal year 2011, and for other purposes. All points of order against consideration of the joint resolution are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I consume.

GENERAL LEAVE

Mr. POLIS. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H.R. 1741.

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

There was no objection.

Mr. POLIS. Mr. Speaker, H.R. 1741 provides a closed rule for consideration of H.J. Res. 101, making further continuing appropriations for fiscal year 2011, and for other purposes. The rule provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the joint resolution except those arising under clause 9 or 10 of rule XXI. The rule provides that the joint resolution shall be considered as read. The rule waives all points of order against provisions of the joint resolution. Finally, the rule provides one motion to recommit the joint resolution with or without instructions.

Mr. Speaker, I rise today in strong support of approving a continuing resolution to maintain a level and consistent funding stream for our Federal Government. It is one of our primary constitutional responsibilities as Members of Congress to keep the Federal Government running through the passage of appropriations legislation. This continuing resolution will ensure that all necessary and vital functions of government will continue uninterrupted until both Chambers of our legislature have completed their work.

If we do not act now, Mr. Speaker, the Federal Government will effectively shut down this Friday, December 3. This continuing resolution is a short term, straightforward measure to keep the government running and get us through the next 2 weeks, until December 18, while bipartisan negotiations continue in the House and the Senate. It is my hope that my colleagues on both sides of the aisle will work with us to move this important bill forward and to pass a clean continuing resolution contained under this rule.

This continuing resolution will fund the Federal Government at levels already approved by the House in the fiscal year 2010 appropriations bills and the fiscal year 2009 supplementals. This includes extending the authority for the Department of Defense to execute the Commanders Emergency Response Program, an essential tool for military commanders in Iraq and Afghanistan.

□1040

It would also continue the application period for retroactive stop loss benefits through the duration of the continuing resolution.

The Retroactive Stop Loss Pay Program provides $500 for each month served in stop loss status with an average benefit of $3,700 to the brave servicemen and -women, veterans and beneficiaries of those whose service was involuntarily extended under stop loss.

This continuing resolution would also continue to fund VA hospitals already under construction, including one in my home State of Colorado, the Denver VA Hospital, which serves 58,000 veterans living in Colorado, Kansas, Nebraska, and Wyoming. Millions of veterans and their families across this Nation depend on the VA for medical care and support, and we must pass this CR so we continue to build these much-needed facilities. Absent this CR, construction on these VA facilities will grind to a halt, leaving our veterans in the lurch. Our veterans took an oath to defend our country, and they deserve to come home to better care and a quality hospital that meets their needs.

This CR would also allow the Federal air marshals to maintain the existing fiscal year 2010 fourth quarter coverage levels for international and domestic flights. This funding will allow for continued training, including investigative techniques, criminal terrorist behavior recognition, firearms proficiency, aircraft specific tactics, and self-defense measures that are necessary to protect the flying public.

This funding allows the Federal air marshals to fulfill their mission of protecting air passengers and crew. Protecting our Nation and combating terrorism is a top priority for this Congress, and without the passage of this CR, those efforts with regard to our air marshals will grind to a halt, leaving the traveling public at greater risk.

This continuing resolution would also allow the commissioner of U.S. Customs and Border Protection to maintain the level of Customs and Border Protection personnel in place for the final quarter and the final few weeks of fiscal year 2010. This provides proper funding to keep terrorists and their weapons out of the United States, secure and facilitate trade and travel and enforce hundreds of U.S. regulations, including immigration and drug laws.

U.S. Customs and Border Protection law enforcement professionals serve as America's front-line defense on our Nation's borders at ports of entry, field stations and check points across the United States. It's important that we maintain a consistent level of personnel at our Nation's borders. By interrupting these funds, we would be jeopardizing Customs and Border Protection's ability to do their job and protect America. This funding enables these officers to inspect our borders, process trade, combat terrorism and smuggling.

A vote against this continuing resolution is a vote to gut our border security when we need it the most.

In addition to extending the existing authority for the Department of Homeland Security to regulate chemical facilities to prevent high levels of risk, this continuing resolution would also extend the existing Federal Emergency Management Agency, or FEMA authority, to provide technical and financial assistance to States and localities for pre-disaster hazard mitigation activity.

As an example, in my home State of Colorado, this continuing resolution would mean keeping in place vital programs like the 2008 Colorado Springs Wildfire Mitigation Project that removes vegetation around critical facilities and communities; to the 2008 Denver Regional Hazard Mitigation Plan, which assists 37 communities, townships, and counties in the Denver metro area in analyzing and assessing their hazard risks; the 2007 Coal Creek Crossing affecting the town of Erie in Boulder County, Colorado, flood reduction project that helps the town of Erie modify infrastructure around the Coal Creek Crossing to eliminate future damages.

My district, Mr. Speaker, recently suffered one of the worst forest fires in the history of Colorado, which completely destroyed over 100 residences. These emergencies can strike anywhere, anytime; and if we fail to pass this continuing resolution, we will cripple the ability of the Federal Government to help with emergencies wherever they occur and whatever their nature is.

This continuing resolution would also maintain the additional $23 million in funding for the Department of the Interior's new Bureau of Ocean Energy Management for increased inspections for offshore oil rigs. In light of the recent disaster we all witnessed unfold this summer in the Gulf of Mexico, these funds should be the last thing that we want to allow to expire or to cut. These funds are critical to ensure that tragedies like the Deepwater Horizon spill are not repeated and that our oil rigs are inspected.

These funds allow existing rigs to continue operating in a manner that protects the workers on the rigs in the sensitive environmental areas in which these rigs operate, as well as protect our economy from future job loss. Interrupting these funds will put offshore oil rig workers' lives in danger, the environment in danger, and our economy in danger as well.

The continuing resolution before us also maintains the current rate of the Foreign Military Financing, FMF, program, to include the $965 million that was advanced for Israel, Egypt, and Jordan in the fiscal year 2009 supplemental. By providing assistance and aid to our allies in the Middle East, we strengthen our position and make a vital investment in global and national security.

A vote against this continuing resolution is a vote to cut off aid to our allies like Israel and the Middle East at a time when they are critical for the global fight against terrorism and to prevent the proliferation of nuclear weapons to Iran.

Through this continuing resolution, we also continue the rate of operations

for the Pakistan Counterinsurgency Capability Fund at $700 million. This section also continues the terms and conditions included in the fiscal year 2009 and 2010 supplementals which will help build and maintain the counterinsurgency capability of Pakistan under the same terms and conditions.

Mr. Speaker, I have not been a supporter of the escalation of efforts in Afghanistan or in Iraq, but I think there is a strong bipartisan consensus in this body that assisting the Government of Pakistan in counterinsurgency efforts is one of the most critical fronts to protect Americans from terrorism, from a resurgence of the Taliban and from allowing al Qaeda a foothold in that area.

There are vital programs that we must continue to fund without interruption. There may be some who question the need for a CR. Let me remind everyone that with the exception of fiscal years 1989, 1995 and 1997, at least one continuing resolution has been enacted for each fiscal year since 1955.

I encourage my colleagues to support the necessary rule for this CR as well as the underlying CR to prevent the Federal Government from shutting down, jeopardizing our allies and friends across the world, as well as the safety and security of Americans.

I reserve the balance of my time.

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

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

Mr. DREIER. I want to begin by expressing my appreciation to my good friend from Boulder, a hard-working member of the Rules Committee, and I want to associate myself with much of what he said.

We obviously have very important priorities that need to be addressed, whether it's dealing with environmental issues, border security, FMF, the Pakistani anti-insurgency effort, all of those things are very, very high priorities which need to be addressed; and so I think he is right on target in pointing to those.

The unfortunate thing, Mr. Speaker, is what is it that got us to the point where we are at this moment.

We all know that the American people are hurting. We know that unemployment benefits have expired. We know that we have looked at the election that took place on November 2 and that, in and of itself, was evidence of a high level of anger and frustration that has been shown by the American people, I mean, the largest turnover in this institution in nearly three-quarters of a century. And by virtue of that, it seems to me that we need to realize that there is a message that has been received, and that message is a clear one.

This business-as-usual pattern cannot continue. And when I say ''business as usual,'' it's a very tragic and sad commentary as to what business as usual has become. Because in this 111th Congress, we have for the first time since passage of the 1974 Budget and Impoundment Act not passed a budget. We have not even dealt with the budget issue, and that has played a role in getting us to where we are at this moment.

The importance of keeping the government running is one which Democrats and Republicans alike acknowledge, but we also know that we have what my friend described as constitutional responsibilities; and those constitutional responsibilities, under article 1, section 9, are for us to do everything that we can to make sure that we responsibly expend those taxpayer dollars. We basically abrogated our responsibility.

So for the first time in history, we have not passed a budget. And then, Mr. Speaker, if you look at what has happened in the last 2 years, we have for the first time ever not allowed Democrats or Republicans an opportunity to participate in a free-flowing open debate on appropriations bills, which had always been the case on virtually every appropriations bill up until this Congress.

□ 1050

And it's unfortunate that we have gotten to this point, because if we had had that free-flowing debate, Mr. Speaker, I'm convinced that we wouldn't be here today with this continuing resolution. Of course, I acknowledge that continuing resolutions have taken place in the past, but I wrote down the remarks that my friend just offered when he said that this continuing resolution will continue the funding levels that we have had already in existence. That's the funding level for the massive trillion-dollar so-called stimulus bill, the appropriations bills which have seen a 91 percent increase in the past 4 years in nondefense—nondefense discretionary spending. That's what is being maintained with this continuing resolution, and that is why we are very, very concerned, Mr. Speaker, about continuing to move in that direction.

Now, I believe that there are a number of things that have to be done. And the reason that I'm concerned and opposed to the continuing resolution that we have before us is that it does perpetuate this ''business as usual.'' So I mentioned the message that came from the November 2 election. We all know that. Democrats and Republicans alike recognize that the American people are angry, they are hurting, and they want change.

Well, Mr. Speaker, we know how important this issue is that we are trying to address. We have the Debt Commission, which was scheduled to have a vote today. It's now been postponed until Friday. They are looking at attacking this issue. We have a month before the 112th Congress convenes. And it seems to me that at this moment, certainly following the outcome of the November 2 election, the responsible thing for us to do would be to take on these issues right here and now.

We are looking at the challenge of getting the economy growing, as I said in my 1-minute presentation. And I bring this up because I know my friend from Boulder shares the commitment I have to prying open new markets around the world so that we can create good American jobs for people.

In fact, I met yesterday with the new Ambassador, Gabriel Silva, from Colombia, who has just taken over from Carolina Barco, who did a spectacular job, as we all know, working diligently to try and pass that U.S.-Colombia free trade agreement which has been languishing for 3 years. And again, for the first time in history, having passed the Trade Act in 1974, we saw that measure thrown aside by Speaker PELOSI nearly 3 years ago after the deal had been signed and was sent up by then-President Bush.

The numbers that we got yesterday from this meeting that I'm going to be releasing in a ''Dear Colleague,'' that I know my friend will look at, interestingly enough is in the area of agricultural products. We have seen the level of exports of U.S. agricultural goods drop from 46 percent to 22 percent in the last 2 years from the U.S. to Colombia. And at the same time, Colombia is dramatically expanding its trade relationship with Mercosur, the four countries in South America: Paraguay, Uruguay, Argentina, and Brazil. They developed a greater linkage with Western Europe. And here in the United States of America, we could create good jobs, get our economy growing and generate revenues to deal with many of these priority items that my friend mentioned in his remarks that need to be addressed. We'd have the revenues to deal with border security, foreign policy issues, and environmental issues if we could create good American jobs by opening up these markets.

And so that is why, Mr. Speaker, it seems to me that, as we look at the notion of a 17-day continuing resolution to keep the government going and the expiration of unemployment benefits, what we should be doing is we should have a laser-like effort focused on our need to create good American manufacturing jobs.

My California colleague was critical of me for talking about the importance of creating union jobs. He said that I couldn't have it both ways because I didn't vote for the nearly trillion-dollar stimulus bill and somehow want to create good union jobs by expanding market-opening opportunities for U.S. workers. Well, I believe that union and nonunion workers will benefit.

Workers from companies, as I mentioned in my 1-minute speech, like Caterpillar, like John Deere, like Whirlpool and others, companies in my State of California, would have a chance to have union members, union and nonunion workers, have opportunities that

don't exist today because we haven't opened up these markets.

And so, Mr. Speaker, it seems to me that as we look at the challenges that are lying ahead, the notion of saying we are going to continue funding at the levels that created a 91 percent increase in nondefense discretionary spending, that we're going to continue the funding levels that have created that obviously failed $787 billion, if you add interest and all, it's a trillion-dollar stimulus bill which has been decried as having failed by people all across the political spectrum, and if you look at the notion of our denying the American people a chance to have their proposals heard through their elected representatives with the kind of free-flowing debate when it comes to the notion of trying to bring about reductions in spending is just plain wrong.

That is why I'm going to urge my colleagues, Mr. Speaker, to oppose this measure. I believe that we can do better.

With that, I reserve the balance of my time.

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

I agree with my colleague from California that to the extent we can grow American markets we need to work together in a bipartisan way to do that. I joined my colleague on letters to the President as colleagues on both sides of the aisle to encourage the further development of trade relationships, certainly starting with trade agreements that are very near completion with Colombia, Panama, and South Korea.

And also, I had the opportunity to host the honorable ambassador from Panama, Jaime Aleman, in my district of Colorado not too long ago, and I was able to introduce him to a number of Colorado businesses which stand to benefit from these.

Now, of course, as a matter of how this comes to pass, that these efforts could not be initiated by this body, we could not have an amendment to a CR if this was an open rule. We could not have an amendment to an appropriations bill which contained a trade agreement. It has to be negotiated and delivered to us by the administration.

And I know that President Obama has been committed to delivering and working on these trade agreements. In fact, in this very body, in the State of the Union address, President Obama very proudly talked about the export agenda and what it meant for American job creation. Of course, this means union jobs and it means nonunion jobs. It means job creation overall. The President remains committed to continuing to grow the market for American products and services across the world. That includes enforcing intellectual property provisions and it includes making sure that American products are available across the entire world.

Now, again, one of the issues that would be threatened if this continuing resolution is not passed is the flow of products across our border. The funding will run out for the Border Patrol and the ports of entry. Products coming into this country, for good reason, have to be inspected. Some of that has to do with whether there are illegal, illicit products, narcotics that are being smuggled, whether there are illegal people that are being smuggled, or whether products that are not allowed to be sold here or were not created in compliance with our existing trade agreements are created. The border security efforts would be gutted if this continuing resolution does not pass, leaving trade in the lurch and leaving American job creation in the lurch. So this bill has an important nexus in international trade.

The passage of this continuing resolution will facilitate the continued funding of our ports of entry, the continued funding of our border inspection services for both goods and people, which must continue. What degree of confidence would our negotiating partners of South Korea, Panama, and Colombia and many others have on our own ability to deliver on our trade agreements if the funding runs out at our ports of entry for goods and products? We must not allow that to happen.

□ 1100

I also certainly agree that the public, as demonstrated in the last election, they want a change in the business as usual, and I think that change has not yet fully manifested itself. Yesterday this body passed the Pickford-Cobell bill, a long-overdue bill to pass, but it had one earmark in it, a Republican earmark from the Senate, from Senator JON KYL of Arizona, a very large earmark that apparently was the price of support of getting it out of that body.

I am happy to say that this continuing resolution before us today is a very clean CR, a very clean continuing resolution, that would allow during this negotiating process—and where we wind up with regard to these appropriation bills next year and the year after is a very important issue for political discussion, a very important issue between both parties to come to consensus around what we can do to pass both bodies. But it is not what we are debating here today. We are simply allowing the Federal Government to continue to operate its ports of entries, its border security, counterinsurgency efforts in Pakistan, continued aid to Israel, Egypt, Jordan, and the Middle East, continuing to allow these programs to operate for a 2-week period while we seek the bipartisan consensus that will emerge and is necessary to continue to be able to pass the appropriations bills that are necessary to allow government to continue funding.

So this CR is an important part of our democratic process, and at least one continuing resolution has been enacted for every fiscal year since 1955. Traditionally they have been in many of those cases clean continuing resolutions, and simply allowed at the previously agreed upon rates by these bodies the Federal Government to continue while the negotiations are pending.

I also believe it would strike panic in global financial markets if the Federal Government closes down and people don't have confidence that this Congress can even allow the Federal Government to continue its routine operations while the negotiating process for future agreements is still underway. So I encourage my colleagues to support this process through its conclusion over the next 2 weeks and support this continuing resolution.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I urge my colleagues to vote ''no'' on this resolution.

I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, it is standard and bipartisan practice to consider continuing resolutions under a closed rule. I would say this has been the practice on both sides of the aisle. Republicans have issued closed rules for every continuing resolution that they considered in both the 108th and 109th Congresses. Our goal with this continuing resolution is to do this in as clean a way as possible that allow these vital functions of government to continue to function: facilitation of international trade, our counterinsurgency efforts in Pakistan, our border security, and our sky marshals.

In recent history, again since 1955, at least one continuing resolution has been enacted in each fiscal year except for three. And, in fact, during the entire 59-year period, from 1952 to 2010, there were only four instances when all of the regular appropriation acts were enacted on time.

Mr. Speaker, the democratic process is a time-consuming one, but it is one that is worthwhile, and it is one that ultimately will reflect the will of the American people with appropriations bills that emerge from the Senate and from the House ultimately to be signed by the President. This continuing resolution gives our democracy time to work and makes sure that the world will not lose confidence in our country. It makes sure that our vital security interests here and abroad are maintained—our aid to our allies, our security, and our ports of entry here at home. We must make sure that the safety of the American people doesn't pay the price for the time it takes for our democracy to work. I strongly encourage my colleagues to support the rule and the bill.

I would like to thank Chairman OBEY for his leadership on this bill, and his staff for their hard work and their dedication.

I urge a ''yes'' vote on the previous question and the rule.

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

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF S. 3307, HEALTHY, HUNGER-FREE KIDS ACT OF 2010

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1742 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1742

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. The bill shall be considered as read. All points of order against the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

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

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on House Resolution 1742.

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

There was no objection.

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

H. Res. 1742 provides a closed rule for consideration of S. 3307, the Healthy, Hunger-Free Kids Act of 2010. The rule provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor.

The rules waives all points of order against consideration of the bill except those arising under clause 9 of rule XXI. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions of the bill. Finally, the rule provides one motion to recommit the bill with or without instructions.

Mr. Speaker, before I begin, as many of my colleagues know, my colleague from Florida (Mr. LINCOLN DIAZ-BALART) has decided not to seek reelection and move on to other endeavors in his home State of Florida. I just want to publicly thank him for his friendship over the years, and also thank him for his great service not only to the people of Florida but to the people of this country. This may be the last rule that we handle together, so I wanted to take this opportunity simply to acknowledge his service and to thank him.

Mr. Speaker, we have the opportunity today to pass a very good bill that will improve the lives of our children. And I believe that we must seize that opportunity.

I want to thank Speaker PELOSI and Chairman MILLER, Congresswoman DELAURO, Congresswoman MCCARTHY, and others who have worked so hard on this issue. And I want to say a special thank you to First Lady Michelle Obama. She has been an incredible champion for our children, particularly in the areas of nutrition and obesity.

□ 1110

She has challenged us to live up to one of our highest moral obligations—to make sure that the children of this Nation have the nutritious food they need to grow, to thrive, and to succeed.

Mr. Speaker, as many of my colleagues know, I chair both the House Hunger Caucus and the Congressional Hunger Center, and I've said many times that hunger is a political condition. We have the resources to end hunger, particularly childhood hunger, and what we need is the political will to make it happen.

President Obama has pledged to end childhood hunger in America by 2015. If we support that goal, then we must pass this bill. I hope that the Members of this House, all of us, Democrats and Republicans, can come together today to summon the political will necessary to move forward on this issue.

There is not a single community in America that is hunger free. Talk to any food bank. They will tell you that the demand has never been greater, and far too many of the people who need help are children.

The child nutrition bill that we will take up today gives us a chance to provide healthy meals to hundreds of thousands of children who need them. It's also important to remember that hunger and obesity are two sides of the same coin. The fact is that highly processed, empty calorie foods are less expensive than fresh, nutritious foods. That's why so many families are forced to make unhealthy choices. This bill increases the reimbursement to schools for meals by 6 cents a meal, 6 cents, and that's the first increase in 30 years.

Too often, the only nutritious food our kids get is in a school setting, and this bill also increases access to after-school programs. And the bill helps communities to establish farm-to-school networks, which are not just good for children, but they're also good for our local farmers.

Now, it's no secret, Mr. Speaker, that I've had concerns with how this bill is paid for, and I remind my colleagues that this bill is fully paid for. The cuts to the SNAP, or food stamp, program don't make a lot of sense to me. I don't believe we should be taking access to food away from some people in order to provide it for others. But we have been assured, repeatedly, by the President and the White House that they will work with us to restore these cuts, and I look forward to working with the administration and my colleagues to make sure that the White House lives up to that commitment. Quite frankly, if I did not believe that this commitment to restore SNAP funding was real, I would have had a hard time voting for the underlying legislation.

Mr. Speaker, this bill, this exact same piece of legislation, passed unanimously in the Senate. Every single Member in the Senate, including a Who's Who of the most conservative Republicans, voted for reauthorizing our child nutrition programs. Unfortunately, from what I heard in the Rules Committee last night, that probably won't happen today in the House.

Some of my friends on the other side of the aisle have no problem expanding wasteful weapons systems. They have no problem expanding tax cuts for millionaires and billionaires on Wall Street, but apparently, some of them have a problem with expanding access to nutritious food for our children.

They say it's an outrageous example of Big Government or that a high school basketball team would be prohibited from having a bake sale. Nonsense. Utter nonsense. As the president of the national PTA has said, ''The measure will effectively eliminate the constant presence of junk food in school while allowing reasonable practices like periodic PTA or other school group fundraisers, such as bake sales, and the sale of hot dogs and sodas at after-school sporting events.''

An extra few million for a hedge fund manager who doesn't need it? No problem, so my Republican friends say, but heaven forbid we spend another 6 cents to make sure our kids have a more healthy school lunch. Those may be their priorities, Mr. Speaker, but they're not mine, and they're not the priorities of the people in my district.

Some of my friends on the other side will say that they want no children in our country to go hungry. Fair enough. Here's their opportunity to put their vote where their rhetoric is. Here's their opportunity to demonstrate that their concern for the hungry in this country is more than just lip service.

Mr. Speaker, I understand the politics here. It's pretty simple. If the President's for it, my Republican friends are against it. But I would ask them and I would plead with them to check those politics at the door just this once. Please don't sacrifice an opportunity to improve the lives of millions of our children on the altar of partisan politics.

The need to act is clear. Our moral obligation is clear. Our children are getting sicker and sicker and sicker. If kids don't have enough nutritious food to eat they don't learn. We are wasting millions and millions of dollars on health care for diseases like diabetes and heart disease that are preventable with healthier diets.

Today, we could begin to turn that tide. Please join us in doing the right thing. I urge my colleagues to support this rule and the underlying bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank my friend from Massachusetts (Mr. MCGOVERN) for yielding me the time.

First, Mr. Speaker, thank you. I don't know if I will have the privilege again of speaking on this floor while you're presiding, and I want to thank you for your service and especially for your friendship.

And to Mr. MCGOVERN, I thank him for his kind words. I said a few days ago in some remarks here on the floor that this is a great honor of being a Member of Congress of the United States I will never forget, and for the rest of my days, I will feel that honor. And I thanked all of my colleagues, those who have helped me during the years here and the many battles that I've been involved in, and those who have opposed me. And so I think it's appropriate to point to the example of the graciousness demonstrated by Mr. MCGOVERN. We've had very strong debates on this floor, and yet, he demonstrated that graciousness once again today. I thank him for his words, and as I did the other day, I thank all of my colleagues, those who have agreed with me and those who have opposed me, for the great honor of having been able to serve along with them here in this Congress.

Mr. Speaker, we have been discussing the issue of the effect of the debt on the economic reality of the American people, and as a matter of fact as this Congress starts reaching an end, I think it's appropriate to bring forth the fact to remind our colleagues that this is going to be, I believe, the first Congress where we have not seen even one open rule. So we stand here today with another piece of legislation being brought to the floor with no amendments allowed by the Rules Committee and, in this case, a product from the Senate before us that has had absolutely no input from Members of the House.

I think that all of us in this House, certainly an overwhelming majority of the membership of the House, would support—I certainly do—the continuation and reauthorization of reduced and free school food programs. The bill before us unfortunately does not improve upon the current situation in that regard.

□ 1120

In fact, the bipartisan National Governors Association has outlined several problems that they have with this underlying legislation, and I was reading some hours ago their objections. Governors Ritter of Colorado and Rell of Connecticut highlighted new certification and monitoring mandates that will be forced on States by this legislation in order for the States to be able to continue their important participation in these programs.

Actually, I was disturbed to learn from the bipartisan National Governors Association that the underlying legislation sets a federally mandated minimum price that school districts must pay for meals. In the past, if a school district negotiated lower food costs, that was considered applying smart business practices by the school districts. But no longer. With a mandatory minimum, school districts are now going to have to pay more for their food programs, which of course will be passed along to middle class families in the form of higher meal costs.

So I think, in reality, what we are seeing in this legislation is a tax increase on working families. Unfortunately, a substitute that was brought forth in the Rules Committee by the minority, by Ranking Member KLINE, which would have reauthorized these important programs, was not allowed to be offered. That substitute amendment would have extended and strengthened the existing important programs but would have avoided the new mandates on States and communities.

There is another issue, Mr. Speaker, that I think is important to bring out. In order to pay for the new programs in this legislation, the congressional majority decided to use previously appropriated funding intended for the Food Stamp Program. The Food Stamp funds were provided under the so-called stimulus legislation, so it's as though the majority is admitting that taxpayer dollars were incorrectly spent, and they are now using those stimulus funds to pay for these programs.

The stimulus bill was not subject to the so-called PAYGO requirements because the majority labeled it as ''emergency spending.'' Under the rules of the House, emergency spending cannot be used as a PAYGO offset for future spending because it was never originally offset. As a result, the rule that we are debating must again waive the important PAYGO requirements.

Now, I know it's difficult to follow. I was trying to understand it in the Rules Committee last night. But the end result is that this bill is paid for by funds that are borrowed by the Federal Government. So I guess we could say that we are voting to provide our children with nutritious school lunches which will be paid to foreign entities in the future, with interest, foreign entities from which we are borrowing funds, thus adding to our national debt and imposing new fees on families.

By the way, we could have reauthorized these programs without adding to our national debt and imposing new fees on families. Adding to our national debt in that way and imposing new fees on families is not the solution to improving the Nation's school meal programs at a time when, obviously, many are struggling.

At this time, I reserve the balance of my time.

Mr. MCGOVERN. Let me just respond to my colleague briefly by saying, when he talks about borrowing, I can't help but be reminded of the fact that my friends on the other side of the aisle have borrowed countless billions of dollars to pay for tax cuts for millionaires and billionaires. They have no problem with doing that. They have no problem with borrowing money to pay for wars. That all goes onto our credit card. They have no problem with that.

Mr. Speaker, what we are doing here is improving the quality of nutritious food that our kids will have access to. In doing so, we accomplish a number of things.

One is we end up with healthier kids who, quite frankly, will grow up to be healthier adults, which—guess what?—will cost less to our public systems. We are ensuring when our kids get healthy meals that they can learn better in school. I don't think there is any debate—maybe there is on that side of the aisle—about the fact that there is a tie between kids' ability to concentrate and learn and having adequate food and having healthy food.

So I would say to my colleague Mr. DIAZ-BALART, we are paying for it, and I know we are paying for it because I don't like the offset. I don't like the fact that the offset that the Senate gave us was in the SNAP Program. I've been fighting that offset. That is a real offset and it has real consequences. It is one of the reasons we are lobbying the White House: to find an alternative offset.

But let's not diminish the fact that, by passing this bill, we are actually saving this government countless billions, if not trillions, of dollars down the road by making sure that our kids have access to nutritious food in the school setting.

At this point, I yield 3 minutes to a valued member of the Rules Committee, the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. I thank the gentleman from Massachusetts and would like to join him in expressing my great honor in having served with the gentleman from Florida.

It is my hope that he and I have another opportunity to manage a rule together. It is my expectation we will have the opportunity to manage another rule together. But in the event that that doesn't happen, I would like to express my warm wishes for his continued success in his future. I very much look forward to seeing what the gentleman from Florida will be involved with next, and I look forward to staying in touch and in close contact for many years in the future.

Mr. Speaker, I rise in support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010. The passage of this bill, which would reauthorize the Child Nutrition Act, is critical to our Nation's children—to their health and well-being and to their academic success in school. Making sure that our children get a world-class education can't be accomplished if our children don't get the proper nutrition to make it through the day and learn.

I have a background of involvement in public education, both as the superintendent of a charter school I started as well as the chairman of the Colorado State Board of Education. I have tasted and eaten many school lunches. I have seen firsthand how the lack of access to nutritious food prevents too many kids from reaching their full potential—intellectually, academically, and physically.

Childhood hunger and poor nutrition are two of the greatest public health challenges—and yes, education challenges—that face our country. Nearly one-third of American children are overweight or obese, and many of those who are overweight or obese also suffer from malnutrition. This number has been on the rise nationally as well as in my home State of Colorado.

This bill tackles both hunger and obesity by addressing access to food and the nutritional quality of food, and I am proud to be an original cosponsor of the House version of this bill. This bill facilitates a coordinated approach across all levels of government, the private sector, communities, school districts, and families to make real positive change.

Specifically, this bill ensures up to 115,000 more eligible children access to school meals through direct certification, reduces paperwork, makes qualification easier, and creates savings for school districts. It increases the lunch reimbursement rate by 6 cents per meal. That is the first real increase in over 30 years. It requires updated Federal nutritional standards for school meals, strengthens local school wellness policies, and continues to provide schools with increased resources and training to improve meal quality.

In particular, I am pleased that this bill will strengthen school districts' wellness policies. These provisions, which I introduced in the House in H.R. 5090, the Nutrition Education and Wellness in Schools, or NEW Schools Act, were also supported by the White House Task Force on Child Obesity report and included in the bill.

Our schools should be our first defense against childhood obesity and unhealthy nutrition habits that stay with kids as they mature into adults and even have an intergenerational effect across their lives. While hunger affects people of all ages, it is particularly devastating for children.

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

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. POLIS. Overall, this is a very strong bill that makes the necessary and responsible investments and that represents a critical step in answering President Obama and First Lady Obama's call to end childhood hunger. For the sake of the health and well-being of our Nation's schoolchildren and our future, I urge my colleagues to support the rule and to pass the Healthy, Hunger-Free Kids Act.

□ 1130

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 3 minutes to my friend from New York (Mr. LEE), who is the author of the proposal that we will be discussing subsequently, the YouCut proposal.

Mr. LEE of New York. I thank the gentleman for yielding.

The American people are truly frustrated, and we saw that in the November election. They are demanding that Congress start to do what they were brought here for, and that is to get our fiscal house in order.

Mr. Speaker, I introduced the STOP the Overprinting Act earlier this year as a commonsense way to cut spending in Washington, and I appreciate your support in selecting it as this week's YouCut winner.

When a Member of Congress today introduces or cosponsors a bill, we receive five printed copies of the legislation, regardless of the length. The best example I can show is the 2,000-plus page health care bill that stands here. So, in essence, you would be getting 10,000 copies of paper in your office when, in fact, each office has it readily accessible online—a waste of money. This bill was introduced months ago, and we finally now have an opportunity to do something about this needless spending that's going on.

When the bill was introduced, just on this bill alone, the Government Printing Office had to print nearly a half million pieces of paper. Again, that's just on one single piece of legislation. In this last Congress, we've had more than 14,000 bills that were introduced—a lot of unnecessary cost and waste when the American people keep scratching their head as to what's going on in Washington. We have a very simple way to save money. This week's YouCut vote will save $35 million over the next 10 years.

The unfortunate thing about Washington is that unless that amount has either a ''B'' or a ''T'' after it, bureaucrats are ignoring it. That has got to stop, and that's why we saw such a huge change in the November election.

Simply put, we've got the information online. Let's start doing what the private sector has been doing for years—going paperless. This is a very simple way to do it. We've got to start managing a budget and doing what the private sector is doing and looking for every way that we can start saving a dollar. Starting now, we truly can change that attitude in Washington and start cutting wasteful spending by supporting this YouCut bill.

Over the past several months, House Republicans have been stressing this for some time, and we have proposed over $155 billion in savings for taxpayers through this YouCut initiative. Despite the more than 2.5 million votes cast, Republicans—and those of you who have cast your votes through YouCut—have been met with a lost resistance on the other side. Hopefully, that will change.

Again, thank you for your vote and for your participation in cutting Washington spending through this YouCut initiative.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA), who will focus on the important issue of child nutrition.

Mr. BACA. I thank the gentleman from Massachusetts, and I thank the gentleman from Florida and wish him the very best of luck in his future. He has been a good friend and a terrific legislator, too, as well here.

I rise in support of S. 3307, the Healthy, Hunger-Free Kids Act.

Too many families are struggling to put food on the table. There are 40 million people going hungry in the United States right now. We recently passed the SNAP program. We recently put stimulus money to increase the SNAP program to provide food for many individuals. There is 9.6 percent unemployment in the United States, 14 percent in my district alone. These are individuals that are struggling to put food on the table.

Can you imagine a child that does not have the ability to put food in their stomach? One in four American children are currently at risk of going hungry. You have to feel what a person who is actually going hungry and doesn't know where their meal is coming from. And one in three American children are either overweight or obese. When we talk about it's going to cost the taxpayers money, no, it's actually going to save the taxpayers money in the long run because it's costing us, right now, $147 billion in what we are paying for obesity right now. It would reduce our health costs in that area, reduce our costs overall.

As chair of the House Agriculture Committee on Nutrition, I chaired hearings both in Washington and in California to explore ways to fight childhood obesity and increase access to healthy food. Today's legislation offers a step forward in addressing both child hunger and obesity. This bill expands the after school and summer meals programs, better connects eligible children with free meal benefits, improves and expands the school breakfast programs, extends the WIC certification period for children, and puts more fresh fruits and vegetables into our schools.

We passed the No Child Left Behind. Well, can you imagine a child going to school and having to pass a test?

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

Mr. MCGOVERN. I yield the gentleman from California an additional 30 seconds.

Mr. BACA. Many children have a difficult time passing a lot of these tests because they're going hungry.

None of us are pleased with the cuts to the SNAP program made by this bill, but I am committed to work with the administration and my colleagues on the House Agriculture Committee to ensure that we fully fund the SNAP program.

I urge my colleagues to stand up with our children and pass this much-needed legislation. I ask you to support this.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 2 minutes to my friend from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding me time.

Mr. Speaker, on Election Day, the American people sent a very clear and unmistakable message—that it is time to reduce the size of government and to cut spending. In fact, they have been demanding that we take these steps for some time, but unfortunately the leadership in this Congress has been unwilling to listen.

The Republicans in this House have heard the calls of the American people and earlier this year began a YouCut program in which the American people actually get to choose specific spending cuts that we attempt to bring to the floor. We understand the need to change the culture around here from one of spending to one of fiscal discipline, cutting spending and ending the practice of piling a mountain of debt onto future generations.

Today's YouCut looks to end the practice of wasteful spending by eliminating the mandatory printing of all congressional bills and resolutions by the Government Printing Office, potentially saving over $35 million over the next 10 years. Certainly that is something that we can all agree is a commonsense cut.

I would urge my colleagues to join me in voting ''no'' on the previous question so that we can have the opportunity to bring this commonsense spending cut to the floor. If they do not intend to join us in the effort to end the spending now, American taxpayers can rest assured that our new Republican majority will bring this cut and many, many others, Mr. Speaker, forward in the next Congress as we endeavor to get America's fiscal house in order.

Mr. MCGOVERN. Mr. Speaker, let me just say to the gentlewoman that when they are in charge next year, I am happy to support her in eliminating excessive paperwork. But I wish she and others would understand the importance of what we are discussing here today, feeding hungry kids, making sure that our children get nutritious meals at schools. I mean, I've got to be honest with you. I think that's a hell of a lot more important. The fact that, to some of my friends on the other side of the aisle, this appears as if it's some sort of a trivial issue tells me that they haven't been to food banks and they haven't been in some of their schools talking to teachers and talking to the people who oversee the food service program about the challenges that so many school districts face in providing healthy meals to our kids.

We all talk about how we want to control health care costs. Let's give our kids healthy food in school settings. That will do more to control health care costs and ensure that kids will have a healthy adulthood. You want to deal with the issue of better test scores? Making sure kids have a good, nutritious meal in a school setting is one of the ways to do that.

□ 1140

That's an important issue. This is a big deal what we're talking about here today. This is one of the most important pieces of legislation that has come to this floor, and I would appreciate if my friends on the other side of the aisle would join us in supporting this underlying bill so we can get it on the President's desk at the end of the day to get him to sign this so we can move forward in an area that is of great importance.

Mr. Speaker, at this time I would like to yield 4 minutes to the gentlewoman from Connecticut (Ms. DELAURO) who's been a champion on this and so many issues dealing with food insecurity and hunger and good nutrition.

Ms. DELAURO. I thank the gentleman. And I might just say to the prior speaker on the other side of the aisle that the American people did not vote to cut food for kids in our country. They voted to cut the tax cuts that are provided to the corporate special interests in this Nation, which the other side of the aisle seems to have no problem with.

I rise today in support of this rule. The Hunger-Free Kids Act represents a long overdue, a much-needed recommitment to the health and to the well-being of our schoolchildren. We all know the double-edged problems that millions of young people currently face.

Today's kids are threatened by both a growing obesity epidemic, and far too many struggling families in this economy are facing gnawing hunger. According to a recent report, one out of every four young adults is too overweight to serve in our military. At the same time, according to the Food Research Action Center, one out of every four households with children experienced food hardship this year—meaning they did not have the money to purchase the food their families needed.

Don't let people fool you with words like ''food hardship'' and ''food insecurity.'' It results in hunger. Kids in this Nation are going to bed hungry every single night.

This bill marks a significant step forward against both fronts of this dangerous pincer movement. By expanding access to and emphasizing good nutrition for all schoolchildren, this bill will reduce hunger. It will reduce obesity. The Hunger-Free Kids Act will add 115,000 new students into the school meals program by using Medicaid data to certify eligible kids. It will provide an additional 21 million meals a year by reimbursing providers for after-school meals to low-income children.

While expanding access to meal programs, this bill also works to improve the nutritional quality of all of the food in our schools. It sets national nutrition standards that will finally get all of the junk food infiltrating our classrooms and our cafeterias out the door. And for those schools who comply with these revised nutrition standards, it provides the first real reimbursement rate increase—6 cents a meal. And that is the largest increase we have seen in over 30 years.

This bill will also strengthen the farm-to-school networks so that more healthy produce, local foods, even the foods that are grown in the school gardens can find their way into the menus.

Our kids consume roughly 35 to 50 percent of their daily calories during the school day. By passing this bill, we can help see they are getting enough nutritious food to stay healthy, to grow, to learn, to succeed.

Given the current economic climate, I know some will ask, How can we afford this bill? I say how can we afford not to pass it? Leaving millions of children hungry and malnourished in the name of budget-cutting is penny wise, pound foolish, and is unconscionable—especially from those who would now say let's provide the richest 2 percent of the people in this Nation with a tax cut of over $100,000 a year. They're eating well, they're eating high on the hog, and kids are going to bed hungry every night in our Nation.

Countless studies have shown that kids with access to a nutritious breakfast learn more and perform better in school. From the very beginning, I have been working, and others have been working, to expand access to Federal aid, including the Supplemental Nutrition Assistance Program—yes, the food stamp program—for eligible children. We want to make sure that all of our kids have access to the nutrition that they need for a healthy future.

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

Mr. MCGOVERN. I yield the gentlewoman an additional 1 minute.

Ms. DELAURO. Using the food stamp as an offset at a time when one in five kids receives food stamp assistance moves us away from that goal.

Nevertheless, this legislation is a big step forward. I, for one, and others have said we will continue to push to see that the SNAP funding is restored; we will work with the White House to make sure those funds are restored. I'm happy to see the Congress moving in the right direction today and pledge to

fight to continue to have access to the resources that will allow us to have all kids who are eligible for these resources have the accessibility to gain these resources.

I urge my colleagues to vote in favor of this rule. Nothing that we do in this body is as important as ensuring that our children, our grandchildren, and the next generation of Americans have the tools, the opportunities and the nutrition that they need to thrive and to succeed. Our kids deserve no less.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I'd just like to point out I think it's important to clarify that if our proposal today, the YouCut proposal, to eliminate for the taxpayer unnecessary spending on paperwork, if that's adopted it would not negate in any way consideration of the underlying bill on the lunch programs.

At this point I would like to yield 2 minutes to my friend from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I would like to say that I applaud the first lady, Michelle Obama, for her efforts in childhood obesity. I hail from the State of West Virginia, which has probably some of the highest percentages of childhood obesity; and I think the issue in the underlying bill is tremendously important for our Nation and for the future, as is the nutritional aspects of that.

And as the gentleman from Florida said, I'm going to talk on the YouCut because I believe cutting spending and not passing on generational debt to those same children is an important issue as well.

Over the last few months, millions of Americans have used YouCut as a way to voice their concerns over the out-of-control spending in Washington, and many have offered their own solutions on how the government can be more efficient and more accountable. Unfortunately, most of these have fallen on deaf ears as the Congress has voted repeatedly not to try to rein in the spending of taxpayer dollars, and we simply cannot continue down this path. Each week we have brought a simple, yet effective way to cut spending before the House, and it has failed every time.

So today I will support eliminating the requirement to print copies of every single bill and resolution—imagine how many pages that is—that's been introduced in Congress because all of these are already available online.

I want to congratulate Mr. LEE of New York for bringing forth this proposal. This will save millions of dollars over the next decade—a small number in the grand scheme of things—but nevertheless a significant start.

There is no question that cutting the deficit will require some tough decisions on our part, but let's start out now on one which everyone can agree, and I think this should be one of them.

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

When my friends talk about passing on to future generations debt, I can't help but wonder where they were when President Bush passed these tax cuts that added over a trillion dollars to our debt, totally unpaid for, most of it going to millionaires and billionaires. And I want to know where they are right now, they want to extend the tax cuts for millionaires and billionaires and they still don't want to pay for it.

But somehow when it comes to debt and piling it on to future generations, when it comes to tax cuts for very wealthy people, they're silent. Where were they when President Bush at 2 o'clock in the morning, they kept a roll call open for 3 hours and passed a Medicare prescription drug bill that cost hundreds of billions of dollars that was totally unpaid for. That cost a lot more than was advertised. Totally silent.

Where are they when some of us are saying, we ought to pay for these wars. If you want them, you ought to pay for them or end them. I'd prefer to end them, but for those who want them you ought to pay for them. They're silent.

When it comes to closing loopholes for big corporations that routinely stick it to the American people, no, no, we can't do that. Even though it might save money for taxpayers, we can put it toward deficit reduction. No, no, no. Those are very wealthy special interests. They want to protect them, whether it's Big Oil or big pharmaceuticals or whatever, at any cost.

□ 1150

So when I hear them talk about debt, I am reminded of the fact that when President Clinton left office we had a surplus. They ran this place and drove this economy into a ditch. And quite frankly, it's been a nightmare trying to dig us out of this ditch.

And I give the President great credit for his courage in trying to move this country forward in the area of health care, and today in the area of trying to move this bill forward on child nutrition. So they have no credibility when it comes to talking about reducing deficits or debt.

And, in fact, as we speak, they are trying to figure out a way I think probably to defeat this bill, to take the money that this bill costs, the offsets for this bill, take that money and put it toward tax cuts for rich people. I mean, that's what they want do.

So again, I would urge my colleagues to understand the importance of what we are doing today. We are trying to make sure that our kids get healthy food and nutritious food in school settings. We are trying to pave the way for healthy futures for our kids. We want to make sure our kids can learn better. This is important stuff that we are talking about here today, and I would urge all my colleagues to support the rule and to support the underlying bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, in closing, I believe it's fitting that those of us on this side of the aisle are bringing forward another proposal, a YouCut proposal that's been voted on and recommended to this House by a significant number of our constituents. They continue to sound the alarm on government spending, and we must, this Congress must finally listen.

To date, participants in Republican Whip Cantor's YouCut initiative have voted to cut over $180 billion in spending. This week, those participating have voted for a proposal by Congressman LEE of New York, who we heard from before, to end the unnecessary printing of congressional bills and resolutions.

I think it's appropriate that we finally acknowledge the existence of the Internet, and that much unnecessary spending is taking place through the printing of documents. That was appropriate and logical in the past, but not after the development of many new technologies.

So I will be asking Members to vote ''no'' on the previous question so we can have a vote on Congressman LEE's proposal. And again, I remind my colleagues that a ''no'' vote on the previous question will not preclude consideration of the underlying legislation that we have been debating today.

I ask unanimous consent, Mr. Speaker, that the text of the amendment and extraneous material be placed in the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Again, I urge my colleagues to vote ''no'' on the previous question and ''no'' on the rule.

Having said that, I yield back the balance of my time.

Mr. MCGOVERN. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, my Republican friends will do what they always do. They will come up with some stunts to try to get us to delay or to not pass this bill today. That's just what they do. And the fact is that if we change this underlying bill in any way—and I would urge my colleagues to be prepared for probably an uncomfortable or an ugly motion to recommit later on in the debate. But if any of their procedural stunts prevail, then we will end up not passing this bill—the Senate will not consider an amended child nutrition bill; it ends it right here and now—and that would be a tragedy.

I would urge my colleagues on both sides of the aisle to stop the politics just for a few minutes and do the right thing when it comes to this child nutrition bill. This is a bill that will improve access for our kids. This is a bill that increases the focus on nutrition quality and on children's health. It is a

bill that will improve program management and program integrity. It is fully paid for at no cost to the taxpayers.

And I would say to my colleagues on the Democratic side who are concerned about the current offset, that we have a commitment from the White House to fix that in a future vehicle so that the offset is not the SNAP cuts. But the underlying bill here is a good bill, is a good bill that will mean a world of difference for hundreds of thousands, if not millions, of our kids all throughout this country. Making sure that hungry kids get at least one, hopefully more than one nutritious meal a day in a school setting is something we all should be for. It should not be the subject of partisan politics.

Making sure our kids get healthy, nutritious food and not junk in school should be a priority of all of ours, Republican and Democrat alike. This shouldn't be a partisan issue. I mean, the fact that we are here today and there is some controversy around this bill tells me that it's just politics as usual. My friends on the Republican side don't like it because the President likes it. Well, you know what? That's been the routine throughout the entire tenure of this President. But for once, for once, just put the party politics aside and do what's right.

I cochair the House Hunger Caucus and the Congressional Hunger Center. Hunger is a problem in this country. There are tens of millions of our citizens who are hungry. Seventeen million children in this country, the United States of America, the richest country on this planet, are hungry. It's a national disgrace. All of us in this Congress should be ashamed of that fact, that we haven't been able to help be part of the solution in a more significant way. This is one way that we can be part of that solution.

I have a list of national organizations and State organizations, too many to put in the CONGRESSIONAL RECORD, but it is significant. The support across this country for this legislation is significant.

I want to thank the Speaker of the House and Chairman GEORGE MILLER and ROSA DELAURO and CAROLYN MCCARTHY and BARBARA LEE and so many others who have been part of this legislation. I want to thank Senator BLANCHE LINCOLN, who was a champion of this legislation over in the Senate.

But we must act today. We must do what's right for our kids, not for our political party, but for our kids. So enough of the stunts. Let's say ''no'' to all the stunts today. Let's say ''yes'' to this important child nutrition reauthorization bill, ''yes'' to a healthier future for our kids, ''yes'' to making sure they can better learn in school, ''yes'' to developing better and healthier habits that will last them a lifetime. This is a good, this is an important bill. This is a big deal today. This is a huge deal, and everybody should join and support the final passage of the bill.

So I urge a ''yes'' vote on the previous question and on the rule. I urge my colleagues not to fall for any motion to recommit stunts when the bill is under consideration.

Mr. CANTOR. Mr. Speaker, since the beginning of the program, YouCut has offered the potential for Republicans and Democrats to join together to begin tackling America's unsustainable fiscal situation. That's why I was encouraged yesterday when President Obama embraced an idea originally chosen by YouCut voters by declaring a freeze on all non-military Federal employee salaries for the next two years.

This proposal was not an easy one for the President to make, nor was it a pain-free vote for House Republicans when we offered it back in May, as there are thousands of Federal employees who do important work for our country. But make no mistake, no one said that getting America back to opportunity, responsibility and success was going to be easy. We have to make tough choices together if we want to get our economy back to where it needs to be.

This week's YouCut proposal was developed by CHRIS LEE and would eliminate the mandatory printing of bills introduced before Congress, a practice that wasted nearly three million paper copies and approximately $7 million taxpayer dollars during the 111th Congress alone. With all of the digital technology that's available, surely Congress can find a more efficient and fiscally responsible way to do its business. Changing this body's printing practices would be a simple and important step in the right direction. We must start injecting some common sense into Washington, and this is a no-brainer.

As we look to the new Republican majority, YouCut will serve as an important tool as we strive to transform the culture of spending in Washington into one of savings. As we wrap up this Congress, Mr. Speaker, I encourage our Democrat friends across the aisle to join us in voting for this common sense spending reduction.

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

AMENDMENT TO H. RES. 1742 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

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

SEC. 2. Immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4640) to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions by the Government Printing Office for the use of the House of Representatives and Senate. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall he considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4640.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

Deschler's Procedure in the U.S. House of representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question

on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 1742, if ordered; adopting House Resolution 1741; and suspending the rules with regard to House Concurrent Resolution 323; House Resolution 1735, if ordered; and House Resolution 1430, if ordered.

The vote was taken by electronic device, and there were—yeas 232, nays 180, not voting 21, as follows:

[Roll No. 587]

YEAS—232

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

NAYS—180

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

NOT VOTING—21

Alexander
Barrett (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Costello
Davis (IL)
DeFazio
Fallin
Hastings (FL)
Hodes
Marchant
Markey (MA)
McMorris Rodgers
Melancon
Minnick
Myrick
Radanovich
Speier
Welch
Wu

□ 1228

Mr. GERLACH changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 230, nays 174, not voting 29, as follows:

[Roll No. 588]

YEAS—230

Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Djou
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)

Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth

NAYS—174

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

NOT VOTING—29

Alexander
Barrett (SC)
Berkley
Bright
Brown-Waite, Ginny
Burton (IN)
Buyer
Coffman (CO)
Davis (IL)
Davis (TN)
DeFazio
Fallin
Gohmert
Hastings (FL)
Hodes
Johnson, Sam
Lynch
Marchant
McKeon
McMorris Rodgers
Melancon
Minnick
Myrick
Radanovich
Ruppersberger
Shadegg
Speier
Whitfield
Wu

□ 1236

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HIRONO. Mr. Speaker, on rollcall No. 589, had I been present, I would have voted "yea."

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 101, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 1741) making further continuing appropriations for fiscal year 2011, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 236, nays 172, not voting 25, as follows:

[Roll No. 589]

YEAS—236

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

NAYS—172

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

NOT VOTING—25

Alexander
Barrett (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Cao
Davis (IL)
DeFazio
Fallin
Hastings (FL)
Hirono
Hodes
Marchant
McMorris Rodgers
Melancon
Minnick
Myrick
Radanovich
Schwartz
Speier
Tiahrt
Tierney
Waters
Whitfield
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1244

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CALLING FOR DIGNITY, COMFORT, AND SUPPORT FOR HOLOCAUST SURVIVORS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 323) supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and agree to the concurrent resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 27, as follows:

[Roll No. 590]

YEAS—406

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—27

Alexander
Barrett (SC)
Braley (IA)
Brown-Waite, Ginny
Burton (IN)
Buyer
Davis (IL)
DeFazio
Fallin
Gordon (TN)
Hall (NY)
Harman
Hastings (FL)
Hodes
Holt
Marchant
McMorris Rodgers
Melancon
Minnick
Murphy (CT)
Myrick
Radanovich
Rogers (KY)
Speier
Tierney
Waters
Wu

□ 1251

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING NORTH KOREA FOR ATTACK AGAINST SOUTH KOREA

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1735) condemning North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Ms. DEGETTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 403, noes 2, not voting 28, as follows:

[Roll No. 591]

AYES—403

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen

Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Reed
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOES—2

Kagen
Paul

NOT VOTING—28

Alexander
Barrett (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Davis (IL)
DeFazio
Diaz-Balart, L.
Fallin
Gordon (TN)
Granger
Hall (NY)
Harman
Hastings (FL)
Hodes
Klein (FL)
Marchant
McMorris Rodgers
Melancon
Minnick
Myrick
Neal (MA)
Radanovich
Rangel
Reyes
Speier
Whitfield
Wu

□ 1259

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING GOLF LEGEND JUAN ANTONIO ''CHI CHI'' RODRIGUEZ

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1430) honoring and saluting golf legend Juan Antonio ''Chi Chi'' Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus Institute, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CHAFFETZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 405, noes 2, not voting 26, as follows:

[Roll No. 592]

AYES—405

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz

Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOES—2

Chaffetz
Issa

NOT VOTING—26

Alexander
Barrett (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Cardoza
Davis (AL)
Davis (IL)
DeFazio
Fallin
Gohmert
Gordon (TN)
Hall (NY)
Harman
Hastings (FL)
Hodes
Hoekstra
Marchant
McMorris Rodgers
Melancon
Minnick
Myrick
Radanovich
Rangel
Speier
Wu

□ 1306

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Madam Speaker, I was unable to be on the House Floor for rollcall votes 581, 582, 583, 584, 585, 586, 587, 589, 590, 591 and 592.

Had I been present I would have voted: "Yea" on rollcall vote 581; "yea" on rollcall vote 582; "nay" on rollcall vote 583; "nay" on rollcall vote 584; "yea" on rollcall vote 585; "yea" on rollcall vote 586; "nay" on rollcall vote 587; "nay" on rollcall vote 588; "nay" on rollcall vote 589; "yea" on rollcall vote 590; "yea" on rollcall vote 591; and "yea" on rollcall vote 592.

PERSONAL EXPLANATION

Mr. HOLT. Mr. Speaker, on vote number 590 that was recently taken, I was detained in a hearing in the Intelligence Committee and did not vote on the adoption of H. Con. Res. 323, supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years. As a cosponsor of that bill, I would have voted ''yes'' had I been present.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

Mr. OBEY. Mr. Speaker, pursuant to the rule, I call up the joint resolution (H.J. Res. 101) making further continuing appropriations for fiscal year 2011, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 101

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Act, 2011 (Public Law 111–242) is amended by striking the date specified in section 106(3) and inserting ''December 18, 2010''.

The SPEAKER pro tempore (Mr. LARSEN of Washington). Pursuant to House Resolution 1741, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 101.

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

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this legislation is one page long. It does only one thing: It changes the date so we can keep the government running from this Friday, December 3 to Saturday, December 18. Otherwise, the government would shut down. For the 2 weeks we are extending the current CR, it will provide us and the Senate time to consider the full year CR and the nominees that the administration should be sending us today.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, by any definition, this year's appropriations process has been a complete and utter failure. We are now 5 weeks past the beginning of the new fiscal year and Congress has yet to enact a single appropriations bill. Out of 12 total bills, two have passed the House, while 10 bills were never even considered by the full committee.

Even more astonishing, Mr. Speaker, is this fact: During all of 2010, the full appropriations committee met just once—in July—and that meeting occurred almost a full year since the last time the committee met—in July of 2009.

□ 1310

This record is all the more striking when you consider the fact that the House has spent week after week, month after month considering hundreds of insignificant bills, while ignoring the substantive work required of the Congress to pass a Federal budget.

Today, the House is considering a 2-week extension of the current continuing resolution. Chairman OBEY and the Democrat leadership are hoping that 2 weeks will be enough time to muster enough Democratic votes to pass a massive 12-bill package, loaded with earmarks, with a price tag exceeding $1.1 trillion. If they succeed, House Democrats will pass an omnibus without a single Republican vote.

Democratic staff in the House and the Senate began negotiations on the omnibus spending bill after Members of Congress left Washington in October. Realizing that these negotiations excluded input from the elected Members of Congress, and recognizing the likelihood that these negotiations would lead to yet another massive trillion-dollar government spending bill, I directed my staff not to engage in these negotiations. While Democratic staff was focused on additional ways to spend money, Republican staffers on the committee were working to identify spending cuts.

As I have made clear time and time again, I am strongly, unequivocally opposed to any potential omnibus spending bill the Democratic leadership may be planning to bring to the House floor before the end of the year. Likewise, I remain adamantly opposed to extending the CR for the balance of the fiscal year to current spending levels, which are, frankly, too darn high. I am encouraging my leadership and each of my colleagues who are concerned about excessive spending to oppose any effort to pass an omnibus or extend the CR beyond February.

Voters have made it abundantly clear that they want Congress to cut spending, starting today. There is no better place to begin this process than by returning to the U.S. Treasury unobligated funds from the American Recovery and Reinvestment Act, one of the most costly and ineffective bills in modern history. For this very reason, I introduced legislation on November 15 to immediately rescind billions of dollars of unspent stimulus funding and immediately applying those dollars to the deficit. I am hopeful that rescinding this funding will be among the first orders of business in the 112th Congress.

This commitment to cut spending will also consist of rescinding previously appropriated dollars passed under the current Democratic majority as well as dramatically scaling back funding proposed by the President in his final 2 years in office.

I believe we ought to extend the CR until February, allowing the House Republicans the opportunity to begin putting our Nation's fiscal house in order by completing the FY 11 appropriations bills at an FY 2008 level or below, and saving taxpayers at least $100 billion. It would be the clearest signal the House could send to the American people that we got the message and take seriously their commitment to cutting spending.

Should the Democratic leadership muster the votes to pass an omnibus in its last-gasp effort to spend yet another trillion-plus dollars, every penny above and beyond the 2008 levels will be on the chopping block come January. Or put another way, if House Democrats use their last 4 weeks in power to spend another $1.1 trillion, House Republicans will rescind every penny above and beyond the 2008 levels when the new Congress convenes.

Mr. Speaker, I believe we should have shut down the government, but I cannot and will not support this CR because it continues unsustainable levels of spending established last year. At a

time of historic deficits, record debt, and 10 percent unemployment, I believe we owe our constituents more than the status quo. Let's start cutting spending, Mr. Speaker, today. I urge a ''no'' vote.

Mr. Speaker, I am pleased to yield 3 minutes to my colleague from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Today's CR is nothing but a continuation of the culture of overspending, persistence of a broken process, and a refusal to make the tough decisions, end earmarks, and do the job we were sent here to do. As a result, our Federal spending is off the charts. We are staring at another trillion-dollar budget deficit. Debts are stacking up over $13 trillion. Unemployment continues to hover around 10 percent, and congressional approval by the public remains at an all-time and dangerous low.

For the past 2 years, the administration has been given a free hand, with an unlimited credit card. The results are mind-boggling: 27 percent in growth in nondefense discretionary spending since 2008. And that's not including the bailouts and a failed stimulus package. Meanwhile, the Appropriations Committee has not done its job. No checks, no balances, no discipline, no bills.

What do we have to show for our work this year on the committee and in the Congress? A 2-week extension of more of the same. A date change is the sum total of the work of the Appropriations Committee. Disappointing to say the least. I believe we can do much better by severely cutting spending, conducting rigorous and thoughtful oversight, changing the culture of appropriations, and performing outreach inside and outside the Congress.

Fortunately, I believe wholesale change is on the way, Mr. Speaker. We have got to cut discretionary spending and exert fiscal discipline on fat agencies. We have got to stop the administration's regulatory war on small businesses and working families and rein in the out-of-control bureaucracies like the EPA. And we have got to start listening to the American people and their views rather than building these bills in the Speaker's office behind closed doors. Let's let the light shine in and open up some closets around that stale office.

Mr. Speaker, I urge the House to reject this 2-week delay, cut spending, return to regular order, and conduct our business out in the open.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, I made a mistake here today. I assumed that because the election was over that we would have at least a temporary suspension of election-year rhetoric. But evidently I was wrong. It's not the first time, but nonetheless I had hoped it would be otherwise today.

Let me simply say that I will take a lot of lectures from a lot of people on a lot of subjects, because I have made more than my share of mistakes in the years that I have served in this place. But the one thing that I will not take is lectures from the other side about fiscal responsibility. I mean, these are the folks who managed to turn $6 trillion in expected surpluses when Bill Clinton left office into a $1 trillion deficit. These are the same folks who insisted on passing two tax cuts primarily targeted at the wealthiest people in this country, all paid for with borrowed money.

□ 1320

These are the same folks that have insisted that we fight two wars on borrowed money rather than paying the bills. And these are the same folks who attacked President Obama for the so-called bailouts when, in fact, the mother of all bailouts, TARP, was brought to this Congress by the previous Republican administration.

While I don't like the way they implemented that bailout, I happen to think that that administration did what was necessary under the circumstances, circumstances created in large part by previous policies that were pursued by the folks running Washington, D.C. I don't want to go any further than that. I didn't intend to get into the political side of the debate, but neither am I going to sit by and have these comments go unanswered.

With that, I would simply say this, again, is a very simple proposition. It extends the budget for 2 weeks at existing levels so that the Congress can make an attempt to finish its work so that we do not do what was done to us 4 years ago, because when we took over 4 years ago, we had to clean up all of the last year's fiscal mess before we could turn to next year's problems.

I would think that it is worth trying to finish action on our budget this year so that our friends, as they assume majority status in January, can start with a clean slate and be looking forward rather than backwards, and this resolution is an attempt to facilitate that. I urge passage of it.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1741, the joint resolution is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 1742, I call up the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3307

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 ''Healthy, Hunger-Free Kids Act of 2010''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—A PATH TO END CHILDHOOD HUNGER

Subtitle A—National School Lunch Program

Sec. 101. Improving direct certification.
Sec. 102. Categorical eligibility of foster children.
Sec. 103. Direct certification for children receiving Medicaid benefits.
Sec. 104. Eliminating individual applications through community eligibility.
Sec. 105. Grants for expansion of school breakfast programs.

Subtitle B—Summer Food Service Program

Sec. 111. Alignment of eligibility rules for public and private sponsors.
Sec. 112. Outreach to eligible families.
Sec. 113. Summer food service support grants.

Subtitle C—Child and Adult Care Food Program

Sec. 121. Simplifying area eligibility determinations in the child and adult care food program.
Sec. 122. Expansion of afterschool meals for at-risk children.

Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

Sec. 131. Certification periods.

Subtitle E—Miscellaneous

Sec. 141. Childhood hunger research.
Sec. 142. State childhood hunger challenge grants.
Sec. 143. Review of local policies on meal charges and provision of alternate meals.

TITLE II—REDUCING CHILDHOOD OBESITY AND IMPROVING THE DIETS OF CHILDREN

Subtitle A—National School Lunch Program

Sec. 201. Performance-based reimbursement rate increases for new meal patterns.
Sec. 202. Nutrition requirements for fluid milk.
Sec. 203. Water.
Sec. 204. Local school wellness policy implementation.
Sec. 205. Equity in school lunch pricing.
Sec. 206. Revenue from nonprogram foods sold in schools.
Sec. 207. Reporting and notification of school performance.
Sec. 208. Nutrition standards for all foods sold in school.
Sec. 209. Information for the public on the school nutrition environment.
Sec. 210. Organic food pilot program.

Subtitle B—Child and Adult Care Food Program
Sec. 221. Nutrition and wellness goals for meals served through the child and adult care food program.
Sec. 222. Interagency coordination to promote health and wellness in child care licensing.
Sec. 223. Study on nutrition and wellness quality of child care settings.
Subtitle C—Special Supplemental Nutrition Program for Women, Infants, and Children
Sec. 231. Support for breastfeeding in the WIC Program.
Sec. 232. Review of available supplemental foods.
Subtitle D—Miscellaneous
Sec. 241. Nutrition education and obesity prevention grant program.
Sec. 242. Procurement and processing of food service products and commodities.
Sec. 243. Access to Local Foods: Farm to School Program.
Sec. 244. Research on strategies to promote the selection and consumption of healthy foods.
TITLE III—IMPROVING THE MANAGEMENT AND INTEGRITY OF CHILD NUTRITION PROGRAMS
Subtitle A—National School Lunch Program
Sec. 301. Privacy protection.
Sec. 302. Applicability of food safety program on entire school campus.
Sec. 303. Fines for violating program requirements.
Sec. 304. Independent review of applications.
Sec. 305. Program evaluation.
Sec. 306. Professional standards for school food service.
Sec. 307. Indirect costs.
Sec. 308. Ensuring safety of school meals.
Subtitle B—Summer Food Service Program
Sec. 321. Summer food service program permanent operating agreements.
Sec. 322. Summer food service program disqualification.
Subtitle C—Child and Adult Care Food Program
Sec. 331. Renewal of application materials and permanent operating agreements.
Sec. 332. State liability for payments to aggrieved child care institutions.
Sec. 333. Transmission of income information by sponsored family or group day care homes.
Sec. 334. Simplifying and enhancing administrative payments to sponsoring organizations.
Sec. 335. Child and adult care food program audit funding.
Sec. 336. Reducing paperwork and improving program administration.
Sec. 337. Study relating to the child and adult care food program.
Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children
Sec. 351. Sharing of materials with other programs.
Sec. 352. WIC program management.
Subtitle E—Miscellaneous
Sec. 361. Full use of Federal funds.
Sec. 362. Disqualified schools, institutions, and individuals.
TITLE IV—MISCELLANEOUS
Subtitle A—Reauthorization of Expiring Provisions
PART I—RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT
Sec. 401. Commodity support.
Sec. 402. Food safety audits and reports by States.
Sec. 403. Procurement training.
Sec. 404. Authorization of the summer food service program for children.
Sec. 405. Year-round services for eligible entities.
Sec. 406. Training, technical assistance, and food service management institute.
Sec. 407. Federal administrative support.
Sec. 408. Compliance and accountability.
Sec. 409. Information clearinghouse.
PART II—CHILD NUTRITION ACT OF 1966
Sec. 421. Technology infrastructure improvement.
Sec. 422. State administrative expenses.
Sec. 423. Special supplemental nutrition program for women, infants, and children.
Sec. 424. Farmers market nutrition program.
Subtitle B—Technical Amendments
Sec. 441. Technical amendments.
Sec. 442. Use of unspent future funds from the American Recovery and Reinvestment Act of 2009.
Sec. 443. Equipment assistance technical correction.
Sec. 444. Budgetary effects.
Sec. 445. Effective date.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Agriculture.

TITLE I—A PATH TO END CHILDHOOD HUNGER

Subtitle A—National School Lunch Program

SEC. 101. IMPROVING DIRECT CERTIFICATION.

(a) PERFORMANCE AWARDS.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) is amended—

(1) in the paragraph heading, by striking ''FOOD STAMP'' and inserting ''SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM''; and

(2) by adding at the end the following:

''(E) PERFORMANCE AWARDS.—

''(i) IN GENERAL.—Effective for each of the school years beginning July 1, 2011, July 1, 2012, and July 1, 2013, the Secretary shall offer performance awards to States to encourage the States to ensure that all children eligible for direct certification under this paragraph are certified in accordance with this paragraph.

''(ii) REQUIREMENTS.—For each school year described in clause (i), the Secretary shall—

''(I) consider State data from the prior school year, including estimates contained in the report required under section 4301 of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1758a); and

''(II) make performance awards to not more than 15 States that demonstrate, as determined by the Secretary—

''(aa) outstanding performance; and

''(bb) substantial improvement.

''(iii) USE OF FUNDS.—A State agency that receives a performance award under clause (i)—

''(I) shall treat the funds as program income; and

''(II) may transfer the funds to school food authorities for use in carrying out the program.

''(iv) FUNDING.—

''(I) IN GENERAL.—On October 1, 2011, and each subsequent October 1 through October 1, 2013, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary—

''(aa) $2,000,000 to carry out clause (ii)(II)(aa); and

''(bb) $2,000,000 to carry out clause (ii)(II)(bb).

''(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this clause the funds transferred under subclause (I), without further appropriation.

''(v) PAYMENTS NOT SUBJECT TO JUDICIAL REVIEW.—A determination by the Secretary whether, and in what amount, to make a performance award under this subparagraph shall not be subject to administrative or judicial review.''.

(b) CONTINUOUS IMPROVEMENT PLANS.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) (as amended by subsection (a)) is amended by adding at the end the following:

''(F) CONTINUOUS IMPROVEMENT PLANS.—

''(i) DEFINITION OF REQUIRED PERCENTAGE.—In this subparagraph, the term 'required percentage' means—

''(I) for the school year beginning July 1, 2011, 80 percent;

''(II) for the school year beginning July 1, 2012, 90 percent; and

''(III) for the school year beginning July 1, 2013, and each school year thereafter, 95 percent.

''(ii) REQUIREMENTS.—Each school year, the Secretary shall—

''(I) identify, using data from the prior year, including estimates contained in the report required under section 4301 of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1758a), States that directly certify less than the required percentage of the total number of children in the State who are eligible for direct certification under this paragraph;

''(II) require the States identified under subclause (I) to implement a continuous improvement plan to fully meet the requirements of this paragraph, which shall include a plan to improve direct certification for the following school year; and

''(III) assist the States identified under subclause (I) to develop and implement a continuous improvement plan in accordance with subclause (II).

''(iii) FAILURE TO MEET PERFORMANCE STANDARD.—

''(I) IN GENERAL.—A State that is required to develop and implement a continuous improvement plan under clause (ii)(II) shall be required to submit the continuous improvement plan to the Secretary, for the approval of the Secretary.

''(II) REQUIREMENTS.—At a minimum, a continuous improvement plan under subclause (I) shall include—

''(aa) specific measures that the State will use to identify more children who are eligible for direct certification, including improvements or modifications to technology, information systems, or databases;

''(bb) a timeline for the State to implement those measures; and

''(cc) goals for the State to improve direct certification results.''.

(c) WITHOUT FURTHER APPLICATION.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) (as amended by subsection (b)) is amended by adding at the end the following:

''(G) WITHOUT FURTHER APPLICATION.—

''(i) IN GENERAL.—In this paragraph, the term 'without further application' means that no action is required by the household of the child.

''(ii) CLARIFICATION.—A requirement that a household return a letter notifying the household of eligibility for direct certification or eligibility for free school meals does not meet the requirements of clause (i).''.

SEC. 102. CATEGORICAL ELIGIBILITY OF FOSTER CHILDREN.

(a) DISCRETIONARY CERTIFICATION.—Section 9(b)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(5)) is amended—

(1) in subparagraph (C), by striking ''or'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(E)(i) a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or

''(ii) a foster child who a court has placed with a caretaker household.''.

(b) CATEGORICAL ELIGIBILITY.—Section 9(b)(12)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(12)(A)) is amended—

(1) in clause (iv), by adding ''(''' before the semicolon at the end;

(2) in clause (v), by striking ''or'' at the end;

(3) in clause (vi), by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(vii)(I) a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or

''(II) a foster child who a court has placed with a caretaker household.''.

(c) DOCUMENTATION.—Section 9(d)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(2)) is amended—

(1) in subparagraph (D), by striking ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(F)(i) documentation has been provided to the appropriate local educational agency showing the status of the child as a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or

''(ii) documentation has been provided to the appropriate local educational agency showing the status of the child as a foster child who a court has placed with a caretaker household.''.

SEC. 103. DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS.

(a) IN GENERAL.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end the following:

''(15) DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ELIGIBLE CHILD.—The term 'eligible child' means a child—

''(I)(aa) who is eligible for and receiving medical assistance under the Medicaid program; and

''(bb) who is a member of a family with an income as measured by the Medicaid program before the application of any expense, block, or other income disregard, that does not exceed 133 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 such section)) applicable to a family of the size used for purposes of determining eligibility for the Medicaid program; or

''(II) who is a member of a household (as that term is defined in section 245.2 of title 7, Code of Federal Regulations (or successor regulations) with a child described in subclause (I).

''(ii) MEDICAID PROGRAM.—The term 'Medicaid program' means the program of medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

''(B) DEMONSTRATION PROJECT.—

''(i) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service and in cooperation with selected State agencies, shall conduct a demonstration project in selected local educational agencies to determine whether direct certification of eligible children is an effective method of certifying children for free lunches and breakfasts under section 9(b)(1)(A) of this Act and section 4(e)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)(A)).

''(ii) SCOPE OF PROJECT.—The Secretary shall carry out the demonstration project under this subparagraph—

''(I) for the school year beginning July 1, 2012, in selected local educational agencies that collectively serve 2.5 percent of students certified for free and reduced price meals nationwide, based on the most recent available data;

''(II) for the school year beginning July 1, 2013, in selected local educational agencies that collectively serve 5 percent of students certified for free and reduced price meals nationwide, based on the most recent available data; and

''(III) for the school year beginning July 1, 2014, and each subsequent school year, in selected local educational agencies that collectively serve 10 percent of students certified for free and reduced price meals nationwide, based on the most recent available data.

''(iii) PURPOSES OF THE PROJECT.—At a minimum, the purposes of the demonstration project shall be—

''(I) to determine the potential of direct certification with the Medicaid program to reach children who are eligible for free meals but not certified to receive the meals;

''(II) to determine the potential of direct certification with the Medicaid program to directly certify children who are enrolled for free meals based on a household application; and

''(III) to provide an estimate of the effect on Federal costs and on participation in the school lunch program under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) of direct certification with the Medicaid program.

''(iv) COST ESTIMATE.—For each of 2 school years of the demonstration project, the Secretary shall estimate the cost of the direct certification of eligible children for free school meals through data derived from—

''(I) the school meal programs authorized under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

''(II) the Medicaid program; and

''(III) interviews with a statistically representative sample of households.

''(C) AGREEMENT.—

''(i) IN GENERAL.—Not later than July 1 of the first school year during which a State agency will participate in the demonstration project, the State agency shall enter into an agreement with the 1 or more State agencies conducting eligibility determinations for the Medicaid program.

''(ii) WITHOUT FURTHER APPLICATION.—Subject to paragraph (6), the agreement described in subparagraph (D) shall establish procedures under which an eligible child shall be certified for free lunches under this Act and free breakfasts under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), without further application (as defined in paragraph (4)(G)).

''(D) CERTIFICATION.—For the school year beginning on July 1, 2012, and each subsequent school year, subject to paragraph (6), the local educational agencies participating in the demonstration project shall certify an eligible child as eligible for free lunches under this Act and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application (as defined in paragraph (4)(G)).

''(E) SITE SELECTION.—

''(i) IN GENERAL.—To be eligible to participate in the demonstration project under this subsection, a State agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(ii) CONSIDERATIONS.—In selecting States and local educational agencies for participation in the demonstration project, the Secretary may take into consideration such factors as the Secretary considers to be appropriate, which may include—

''(I) the rate of direct certification;

''(II) the share of individuals who are eligible for benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) who participate in the program, as determined by the Secretary;

''(III) the income eligibility limit for the Medicaid program;

''(IV) the feasibility of matching data between local educational agencies and the Medicaid program;

''(V) the socioeconomic profile of the State or local educational agencies; and

''(VI) the willingness of the State and local educational agencies to comply with the requirements of the demonstration project.

''(F) ACCESS TO DATA.—For purposes of conducting the demonstration project under this paragraph, the Secretary shall have access to—

''(i) educational and other records of State and local educational and other agencies and institutions receiving funding or providing benefits for 1 or more programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

''(ii) income and program participation information from public agencies administering the Medicaid program.

''(G) REPORT TO CONGRESS.—

''(i) IN GENERAL.—Not later than October 1, 2014, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, an interim report that describes the results of the demonstration project required under this paragraph.

''(ii) FINAL REPORT.—Not later than October 1, 2015, the Secretary shall submit a final report to the committees described in clause (i).

''(H) FUNDING.—

''(i) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out subparagraph (G) $5,000,000, to remain available until expended.

''(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subparagraph (G) the funds transferred under clause (i), without further appropriation.''.

(b) DOCUMENTATION.—Section 9(d)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(2)) (as amended by section 102(c)) is amended—

(1) in subparagraph (E), by striking ''or'' at the end;

(2) in subparagraph (F)(ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(G) documentation has been provided to the appropriate local educational agency showing the status of the child as an eligible child (as defined in subsection (b)(15)(A)).''.

(c) AGREEMENT FOR DIRECT CERTIFICATION AND COOPERATION BY STATE MEDICAID AGENCIES.—

(1) IN GENERAL.—Section 1902(a)(7) of the Social Security Act (42 U.S.C. 1396a(a)(7)) is amended to read as follows:

''(7) provide—

''(A) safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with—

''(i) the administration of the plan; and

''(ii) the exchange of information necessary to certify or verify the certification of eligibility of children for free or reduced price breakfasts under the Child Nutrition Act of 1966 and free or reduced price lunches under the Richard B. Russell National School Lunch Act, in accordance with section 9(b) of that Act, using data standards and formats established by the State agency; and

''(B) that, notwithstanding the Express Lane option under subsection (e)(13), the State may enter into an agreement with the State agency administering the school lunch program established under the Richard B. Russell National School Lunch Act under which the State shall establish procedures to ensure that—

''(i) a child receiving medical assistance under the State plan under this title whose family income does not exceed 133 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act, including any revision required by such section), as determined without regard to any expense, block, or other income disregard, applicable to a family of the size involved, may be certified as eligible for free lunches under the Richard B. Russell National School Lunch Act and free breakfasts under the Child Nutrition Act of 1966 without further application; and

''(ii) the State agencies responsible for administering the State plan under this title, and for carrying out the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), cooperate in carrying out paragraphs (3)(F) and (15) of section 9(b) of that Act;''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall take effect on the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of the amendments made by this section solely on the basis of its failure to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(d) CONFORMING AMENDMENTS.—Section 444(b)(1) of the General Education Provisions Act (20 U.S.C. 1232g(b)(1)) is amended—

(1) in subparagraph (I), by striking ''and'' at the end;

(2) in subparagraph (J)(ii), by striking the period at the end and inserting ''; and'';

(3) by adding at the end the following:

''(K) the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of State and local educational and other agencies and institutions receiving funding or providing benefits of 1 or more programs authorized under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that—

''(i) any data collected under this subparagraph shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and

''(ii) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.''.

SEC. 104. ELIMINATING INDIVIDUAL APPLICATIONS THROUGH COMMUNITY ELIGIBILITY.

(a) UNIVERSAL MEAL SERVICE IN HIGH POVERTY AREAS.—

(1) ELIGIBILITY.—Section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended by adding at the end the following:

''(F) UNIVERSAL MEAL SERVICE IN HIGH POVERTY AREAS.—

''(i) DEFINITION OF IDENTIFIED STUDENTS.—The term 'identified students' means students certified based on documentation of benefit receipt or categorical eligibility as described in section 245.6a(c)(2) of title 7, Code of Federal Regulations (or successor regulations).

''(ii) ELECTION OF SPECIAL ASSISTANCE PAYMENTS.—

''(I) IN GENERAL.—A local educational agency may, for all schools in the district or on behalf of certain schools in the district, elect to receive special assistance payments under this subparagraph in lieu of special assistance payments otherwise made available under this paragraph based on applications for free and reduced price lunches if—

''(aa) during a period of 4 successive school years, the local educational agency elects to serve all children in the applicable schools free lunches and breakfasts under the school lunch program under this Act and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

''(bb) the local educational agency pays, from sources other than Federal funds, the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

''(cc) the local educational agency is not a residential child care institution (as that term is used in section 210.2 of title 7, Code of Federal Regulations (or successor regulations)); and

''(dd) during the school year prior to the first year of the period for which the local educational agency elects to receive special assistance payments under this subparagraph, the local educational agency or school had a percentage of enrolled students who were identified students that meets or exceeds the threshold described in clause (viii).

''(II) ELECTION TO STOP RECEIVING PAYMENTS.—A local educational agency may, for all schools in the district or on behalf of certain schools in the district, elect to stop receiving special assistance payments under this subparagraph for the following school year by notifying the State agency not later than June 30 of the current school year of the intention to stop receiving special assistance payments under this subparagraph.

''(iii) FIRST YEAR OF OPTION.—

''(I) SPECIAL ASSISTANCE PAYMENT.—For each month of the first school year of the 4-year period during which a school or local educational agency elects to receive payments under this subparagraph, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

''(aa) the multiplier described in clause (vii); by

''(bb) the percentage of identified students at the school or local educational agency as of April 1 of the prior school year, up to a maximum of 100 percent.

''(II) PAYMENT FOR OTHER MEALS.—The percentage of meals served that is not described in subclause (I) shall be reimbursed at the rate provided under section 4.

''(iv) SECOND, THIRD, OR FOURTH YEAR OF OPTION.—

''(I) SPECIAL ASSISTANCE PAYMENT.—For each month of the second, third, or fourth school year of the 4-year period during which a school or local educational agency elects to receive payments under this subparagraph, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

''(aa) the multiplier described in clause (vii); by

''(bb) the higher of the percentage of identified students at the school or local educational agency as of April 1 of the prior school year or the percentage of identified students at the school or local educational agency as of April 1 of the school year prior to the first year that the school or local educational agency elected to receive special assistance payments under this subparagraph, up to a maximum of 100 percent.

''(II) PAYMENT FOR OTHER MEALS.—The percentage of meals served that is not described in subclause (I) shall be reimbursed at the rate provided under section 4.

''(v) GRACE YEAR.—

''(I) IN GENERAL.—If, not later than April 1 of the fourth year of a 4-year period described in clause (ii)(I), a school or local educational agency has a percentage of enrolled students who are identified students that meets or exceeds a percentage that is 10 percentage points lower than the threshold described in clause (viii), the school or local educational agency may elect to receive special assistance payments under subclause (II) for an additional grace year.

''(II) SPECIAL ASSISTANCE PAYMENT.—For each month of a grace year, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

''(aa) the multiplier described in clause (vii); by

''(bb) the percentage of identified students at the school or local educational agency as of April 1 of the prior school year, up to a maximum of 100 percent.

''(III) PAYMENT FOR OTHER MEALS.—The percentage of meals served that is not described in subclause (II) shall be reimbursed at the rate provided under section 4.

''(vi) APPLICATIONS.—A school or local educational agency that receives special assistance payments under this subparagraph may not be required to collect applications for free and reduced price lunches.

''(vii) MULTIPLIER.—

''(I) PHASE-IN.—For each school year beginning on or before July 1, 2013, the multiplier shall be 1.6.

''(II) FULL IMPLEMENTATION.—For each school year beginning on or after July 1, 2014, the Secretary may use, as determined by the Secretary—

''(aa) a multiplier between 1.3 and 1.6; and

''(bb) subject to item (aa), a different multiplier for different schools or local educational agencies.

''(viii) THRESHOLD.—

''(I) PHASE-IN.—For each school year beginning on or before July 1, 2013, the threshold shall be 40 percent.

''(II) FULL IMPLEMENTATION.—For each school year beginning on or after July 1, 2014, the Secretary may use a threshold that is less than 40 percent.

''(ix) PHASE-IN.—

''(I) IN GENERAL.—In selecting States for participation during the phase-in period, the Secretary shall select States with an adequate number and variety of schools and local educational agencies that could benefit from the option under this subparagraph, as determined by the Secretary.

''(II) LIMITATION.—The Secretary may not approve additional schools and local educational agencies to receive special assistance payments under this subparagraph after the Secretary has approved schools and local educational agencies in—

''(aa) for the school year beginning on July 1, 2011, 3 States; and

''(bb) for each of the school years beginning July 1, 2012 and July 1, 2013, an additional 4 States per school year.

''(x) ELECTION OF OPTION.—

''(I) IN GENERAL.—For each school year beginning on or after July 1, 2014, any local educational agency eligible to make the election described in clause (ii) for all schools in the district or on behalf of certain schools in the district may elect to receive special assistance payments under clause (iii) for the next school year if, not later than June 30 of the current school year, the local educational agency submits to the State agency the percentage of identified students at the school or local educational agency.

''(II) STATE AGENCY NOTIFICATION.—Not later than May 1 of each school year beginning on or after July 1, 2011, each State agency with schools or local educational agencies that may be eligible to elect to receive special assistance payments under this subparagraph shall notify—

''(aa) each local educational agency that meets or exceeds the threshold described in clause (viii) that the local educational agency is eligible to elect to receive special assistance payments under clause (iii) for the next 4 school years, of the blended reimbursement rate the local educational agency would receive under clause (iii), and of the procedures for the local educational agency to make the election;

''(bb) each local educational agency that receives special assistance payments under clause (iii) of the blended reimbursement rate the local educational agency would receive under clause (iv);

''(cc) each local educational agency in the fourth year of electing to receive special assistance payments under this subparagraph that meets or exceeds a percentage that is 10 percentage points lower than the threshold described in clause (viii) and that receives special assistance payments under clause (iv), that the local educational agency may continue to receive such payments for the next school year, of the blended reimbursement rate the local educational agency would receive under clause (v), and of the procedures for the local educational agency to make the election; and

''(dd) each local educational agency that meets or exceeds a percentage that is 10 percentage points lower than the threshold described in clause (viii) that the local educational agency may be eligible to elect to receive special assistance payments under clause (iii) if the threshold described in clause (viii) is met by April 1 of the school year or if the threshold is met for a subsequent school year.

''(III) PUBLIC NOTIFICATION OF LOCAL EDUCATIONAL AGENCIES.—Not later than May 1 of each school year beginning on or after July 1, 2011, each State agency with 1 or more schools or local educational agencies eligible to elect to receive special assistance payments under clause (iii) shall submit to the Secretary, and the Secretary shall publish, lists of the local educational agencies receiving notices under subclause (II).

''(IV) PUBLIC NOTIFICATION OF SCHOOLS.—Not later than May 1 of each school year beginning on or after July 1, 2011, each local educational agency in a State with 1 or more schools eligible to elect to receive special assistance payments under clause (iii) shall submit to the State agency, and the State agency shall publish—

''(aa) a list of the schools that meet or exceed the threshold described in clause (viii);

''(bb) a list of the schools that meet or exceed a percentage that is 10 percentage points lower than the threshold described in clause (viii) and that are in the fourth year of receiving special assistance payments under clause (iv); and

''(cc) a list of the schools that meet or exceed a percentage that is 10 percentage points lower than the threshold described in clause (viii).

''(xi) IMPLEMENTATION.—

''(I) GUIDANCE.—Not later than 90 days after the date of enactment of this subparagraph, the Secretary shall issue guidance to implement this subparagraph.

''(II) REGULATIONS.—Not later than December 31, 2013, the Secretary shall promulgate regulations that establish procedures for State agencies, local educational agencies, and schools to meet the requirements of this subparagraph, including exercising the option described in this subparagraph.

''(III) PUBLICATION.—If the Secretary uses the authority provided in clause (vii)(II)(bb) to use a different multiplier for different schools or local educational agencies, for each school year beginning on or after July 1, 2014, not later than April 1, 2014, the Secretary shall publish on the website of the Secretary a table that indicates—

''(aa) each local educational agency that may elect to receive special assistance payments under clause (ii);

''(bb) the blended reimbursement rate that each local educational agency would receive; and

''(cc) an explanation of the methodology used to calculate the multiplier or threshold for each school or local educational agency.

''(xii) REPORT.—Not later than December 31, 2013, the Secretary shall publish a report that describes—

''(I) an estimate of the number of schools and local educational agencies eligible to elect to receive special assistance payments under this subparagraph that do not elect to receive the payments;

''(II) for schools and local educational agencies described in subclause (I)—

''(aa) barriers to participation in the special assistance option under this subparagraph, as described by the nonparticipating schools and local educational agencies; and

''(bb) changes to the special assistance option under this subparagraph that would make eligible schools and local educational agencies more likely to elect to receive special assistance payments;

''(III) for schools and local educational agencies that elect to receive special assistance payments under this subparagraph—

''(aa) the number of schools and local educational agencies;

''(bb) an estimate of the percentage of identified students and the percentage of enrolled students who were certified to receive free or reduced price meals in the school year prior to the election to receive special assistance payments under this subparagraph, and a description of how the ratio between those percentages compares to 1.6;

''(cc) an estimate of the number and share of schools and local educational agencies in which more than 80 percent of students are certified for free or reduced price meals that elect to receive special assistance payments under that clause; and

''(dd) whether any of the schools or local educational agencies stopped electing to receive special assistance payments under this subparagraph;

''(IV) the impact of electing to receive special assistance payments under this subparagraph on—

''(aa) program integrity;

''(bb) whether a breakfast program is offered;

''(cc) the type of breakfast program offered;

''(dd) the nutritional quality of school meals; and

''(ee) program participation; and

''(V) the multiplier and threshold, as described in clauses (vii) and (viii) respectively, that the Secretary will use for each school year beginning on or after July 1, 2014 and the rationale for any change in the multiplier or threshold.

''(xiii) FUNDING.—

''(I) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out clause (xii) $5,000,000, to remain available until September 30, 2014.

''(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out clause (xii) the funds transferred under subclause (I), without further appropriation.''.

(2) CONFORMING AMENDMENTS.—Section 11(a)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(B)) is amended by striking ''or (E)'' and inserting ''(E), or (F)''.

(b) UNIVERSAL MEAL SERVICE THROUGH CENSUS DATA.—Section 11 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a) is amended by adding at the end the following:

''(g) UNIVERSAL MEAL SERVICE THROUGH CENSUS DATA.—

''(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall identify alternatives to—

''(A) the daily counting by category of meals provided by school lunch programs under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

''(B) the use of annual applications as the basis for eligibility to receive free meals or reduced price meals under this Act.

''(2) RECOMMENDATIONS.—

''(A) CONSIDERATIONS.—

''(i) IN GENERAL.—In identifying alternatives under paragraph (1), the Secretary shall consider the recommendations of the Committee on National Statistics of the National Academy of Sciences relating to use of the American Community Survey of the Bureau of the Census and other data sources.

''(ii) SOCIOECONOMIC SURVEY.—The Secretary shall consider use of a periodic socioeconomic survey of households of children attending school in the school food authority in not more than 3 school food authorities participating in the school lunch program under this Act.

''(iii) SURVEY PARAMETERS.—The Secretary shall establish requirements for the use of a socioeconomic survey under clause (ii), which shall—

''(I) include criteria for survey design, sample frame validity, minimum level of statistical precision, minimum survey response rates, frequency of data collection, and other criteria as determined by the Secretary;

''(II) be consistent with the Standards and Guidelines for Statistical Surveys, as published by the Office of Management and Budget;

''(III) be consistent with standards and requirements that ensure proper use of Federal funds; and

''(IV) specify that the socioeconomic survey be conducted at least once every 4 years.

''(B) USE OF ALTERNATIVES.—Alternatives described in subparagraph (A) that provide accurate and effective means of providing meal reimbursement consistent with the eligibility status of students may be—

''(i) implemented for use in schools or by school food authorities that agree—

''(I) to serve all breakfasts and lunches to students at no cost in accordance with regulations issued by the Secretary; and

''(II) to pay, from sources other than Federal funds, the costs of serving any lunches and breakfasts that are in excess of the value of assistance received under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches and breakfasts served during the applicable period; or

''(ii) further tested through demonstration projects carried out by the Secretary in accordance with subparagraph (C).

''(C) DEMONSTRATION PROJECTS.—

''(i) IN GENERAL.—For the purpose of carrying out demonstration projects described in subparagraph (B), the Secretary may waive any requirement of this Act relating to—

''(I) counting of meals provided by school lunch or breakfast programs;

''(II) applications for eligibility for free or reduced priced meals; or

''(III) required direct certification under section 9(b)(4).

''(ii) NUMBER OF PROJECTS.—The Secretary shall carry out demonstration projects under this paragraph in not more than 5 local educational agencies for each alternative model that is being tested.

''(iii) LIMITATION.—A demonstration project carried out under this paragraph shall have a duration of not more than 3 years.

''(iv) EVALUATION.—The Secretary shall evaluate each demonstration project carried out under this paragraph in accordance with procedures established by the Secretary.

''(v) REQUIREMENT.—In carrying out evaluations under clause (iv), the Secretary shall evaluate, using comparisons with local educational agencies with similar demographic characteristics—

''(I) the accuracy of the 1 or more methodologies adopted as compared to the daily counting by category of meals provided by school meal programs under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and the use of annual applications as the basis for eligibility to receive free or reduced price meals under those Acts;

''(II) the effect of the 1 or more methodologies adopted on participation in programs under those Acts;

''(III) the effect of the 1 or more methodologies adopted on administration of programs under those Acts; and

''(IV) such other matters as the Secretary determines to be appropriate.''.

SEC. 105. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST PROGRAMS.

The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) is amended by adding at the end the following:

''SEC. 23. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST PROGRAMS.

''(a) DEFINITION OF QUALIFYING SCHOOL.—In this section, the term 'qualifying school' means a school in severe need, as described in section 4(d)(1).

''(b) ESTABLISHMENT.—Subject to the availability of appropriations provided in advance in an appropriations Act specifically for the purpose of carrying out this section, the Secretary shall establish a program under which the Secretary shall provide grants, on a competitive basis, to State educational agencies for the purpose of providing subgrants to local educational agencies for qualifying schools to establish, maintain, or expand the school breakfast program in accordance with this section.

''(c) GRANTS TO STATE EDUCATIONAL AGENCIES.—

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

''(2) ADMINISTRATION.—In carrying out this section, the Secretary shall—

''(A) develop an appropriate competitive application process; and

''(B) make information available to State educational agencies concerning the availability of funds under this section.

''(3) ALLOCATION.—The amount of grants provided by the Secretary to State educational agencies for a fiscal year under this section shall not exceed the lesser of—

''(A) the product obtained by multiplying—

''(i) the number of qualifying schools receiving subgrants or other benefits under subsection (d) for the fiscal year; and

''(ii) the maximum amount of a subgrant provided to a qualifying school under subsection (d)(4)(B); or

''(B) $2,000,000.

''(d) SUBGRANTS TO QUALIFYING SCHOOLS.—

''(1) IN GENERAL.—A State educational agency receiving a grant under this section shall use funds made available under the grant to award subgrants to local educational agencies for a qualifying school or groups of qualifying schools to carry out activities in accordance with this section.

''(2) PRIORITY.—In awarding subgrants under this subsection, a State educational agency shall give priority to local educational agencies with qualifying schools in which at least 75 percent of the students are eligible for free or reduced price school lunches under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(3) STATE AND DISTRICT TRAINING AND TECHNICAL SUPPORT.—A local educational agency or State educational agency may allocate a portion of each subgrant to provide training and technical assistance to the staff of qualifying schools to carry out the purposes of this section.

''(4) AMOUNT; TERM.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a subgrant provided by a State educational agency to a local educational agency or qualifying school under this section shall be in such amount, and shall be provided for such term, as the State educational agency determines appropriate.

''(B) MAXIMUM AMOUNT.—The amount of a subgrant provided by a State educational agency to a local educational agency for a qualifying school or a group of qualifying schools under this subsection shall not exceed $10,000 for each school year.

''(C) MAXIMUM GRANT TERM.—A local educational agency or State educational agency shall not provide subgrants to a qualifying school under this subsection for more than 2 fiscal years.

''(e) BEST PRACTICES.—

''(1) IN GENERAL.—Prior to awarding grants under this section, the Secretary shall make available to State educational agencies information regarding the most effective mechanisms by which to increase school breakfast participation among eligible children at qualifying schools.

''(2) PREFERENCE.—In awarding subgrants under this section, a State educational agency shall give preference to local educational agencies for qualifying schools or groups of qualifying schools that have adopted, or provide assurances that the subgrant funds will be used to adopt, the most effective mechanisms identified by the Secretary under paragraph (1).

''(f) USE OF FUNDS.—

''(1) IN GENERAL.—A qualifying school may use a grant provided under this section—

''(A) to establish, promote, or expand a school breakfast program of the qualifying school under this section, which shall include a nutritional education component;

''(B) to extend the period during which school breakfast is available at the qualifying school;

''(C) to provide school breakfast to students of the qualifying school during the school day; or

''(D) for other appropriate purposes, as determined by the Secretary.

''(2) REQUIREMENT.—Each activity of a qualifying school under this subsection shall be carried out in accordance with applicable nutritional guidelines and regulations issued by the Secretary.

''(g) MAINTENANCE OF EFFORT.—Grants made available under this section shall not diminish or otherwise affect the expenditure of funds from State and local sources for the maintenance of the school breakfast program.

''(h) REPORTS.—Not later than 18 months following the end of a school year during which subgrants are awarded under this section, the Secretary shall submit to Congress a report describing the activities of the qualifying schools awarded subgrants.

''(i) EVALUATION.—Not later than 180 days before the end of a grant term under this section, a local educational agency that receives a subgrant under this section shall—

''(1) evaluate whether electing to provide universal free breakfasts under the school breakfast program in accordance with Provision 2 as established under subsections (b) through (k) of section 245.9 of title 7, Code of Federal Regulations (or successor regulations), would be cost-effective for the qualified schools based on estimated administrative savings and economies of scale; and

''(2) submit the results of the evaluation to the State educational agency.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2010 through 2015.''.

Subtitle B—Summer Food Service Program

SEC. 111. ALIGNMENT OF ELIGIBILITY RULES FOR PUBLIC AND PRIVATE SPONSORS.

Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) is amended by striking paragraph (7) and inserting the following:

''(7) PRIVATE NONPROFIT ORGANIZATIONS.—

''(A) DEFINITION OF PRIVATE NONPROFIT ORGANIZATION.—In this paragraph, the term 'private nonprofit organization' means an organization that—

''(i) exercises full control and authority over the operation of the program at all sites under the sponsorship of the organization;

''(ii) provides ongoing year-round activities for children or families;

''(iii) demonstrates that the organization has adequate management and the fiscal capacity to operate a program under this section;

''(iv) is an organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code; and

''(v) meets applicable State and local health, safety, and sanitation standards.

''(B) ELIGIBILITY.—Private nonprofit organizations (other than organizations eligible under paragraph (1)) shall be eligible for the program under the same terms and conditions as other service institutions.''.

SEC. 112. OUTREACH TO ELIGIBLE FAMILIES.

Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) is amended by adding at the end the following:

''(11) OUTREACH TO ELIGIBLE FAMILIES.—

''(A) IN GENERAL.—The Secretary shall require each State agency that administers the national school lunch program under this Act to ensure that, to the maximum extent practicable, school food authorities participating in the school lunch program under this Act cooperate with participating service institutions to distribute materials to inform families of—

''(i) the availability and location of summer food service program meals; and

''(ii) the availability of reimbursable breakfasts served under the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

''(B) INCLUSIONS.—Informational activities carried out under subparagraph (A) may include—

''(i) the development or dissemination of printed materials, to be distributed to all school children or the families of school children prior to the end of the school year, that inform families of the availability and location of summer food service program meals;

''(ii) the development or dissemination of materials, to be distributed using electronic means to all school children or the families of school children prior to the end of the school year, that inform families of the availability and location of summer food service program meals; and

''(iii) such other activities as are approved by the applicable State agency to promote the availability and location of summer food service program meals to school children and the families of school children.

''(C) MULTIPLE STATE AGENCIES.—If the State agency administering the program under this section is not the same State agency that administers the school lunch program under this Act, the 2 State agencies shall work cooperatively to implement this paragraph.''.

SEC. 113. SUMMER FOOD SERVICE SUPPORT GRANTS.

Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) (as amended by section 112) is amended by adding at the end the following:

''(12) SUMMER FOOD SERVICE SUPPORT GRANTS.—

''(A) IN GENERAL.—The Secretary shall use funds made available to carry out this paragraph to award grants on a competitive basis to State agencies to provide to eligible service institutions—

''(i) technical assistance;

''(ii) assistance with site improvement costs; or

''(iii) other innovative activities that improve and encourage sponsor retention.

''(B) ELIGIBILITY.—To be eligible to receive a grant under this paragraph, a State agency shall submit an application to the Secretary in such manner, at such time, and containing such information as the Secretary may require.

''(C) PRIORITY.—In making grants under this paragraph, the Secretary shall give priority to—

''(i) applications from States with significant low-income child populations; and

''(ii) State plans that demonstrate innovative approaches to retain and support summer food service programs after the expiration of the start-up funding grants.

''(D) USE OF FUNDS.—A State and eligible service institution may use funds made available under this paragraph to pay for such costs as the Secretary determines are necessary to establish and maintain summer food service programs.

''(E) REALLOCATION.—The Secretary may reallocate any amounts made available to carry out this paragraph that are not obligated or expended, as determined by the Secretary.

''(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $20,000,000 for fiscal years 2011 through 2015.''.

Subtitle C—Child and Adult Care Food Program

SEC. 121. SIMPLIFYING AREA ELIGIBILITY DETERMINATIONS IN THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17(f)(3)(A)(ii)(I)(bb) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(A)(ii)(I)(bb)) is amended by striking ''elementary''.

SEC. 122. EXPANSION OF AFTERSCHOOL MEALS FOR AT-RISK CHILDREN.

Section 17(r) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)) is amended by striking paragraph (5) and inserting the following:

''(5) LIMITATION.—An institution participating in the program under this subsection may not claim reimbursement for meals and snacks that are served under section 18(h) on the same day.

''(6) HANDBOOK.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary shall—

''(i) issue guidelines for afterschool meals for at-risk school children; and

''(ii) publish a handbook reflecting those guidelines.

''(B) REVIEW.—Each year after the issuance of guidelines under subparagraph (A), the Secretary shall—

''(i) review the guidelines; and

''(ii) issue a revised handbook reflecting changes made to the guidelines.''.

Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

SEC. 131. CERTIFICATION PERIODS.

Section 17(d)(3)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)(A)) is amended by adding at the end the following:

''(iii) CHILDREN.—A State may elect to certify participant children for a period of up to 1 year, if the State electing the option provided under this clause ensures that participant children receive required health and nutrition assessments.''.

Subtitle E—Miscellaneous

SEC. 141. CHILDHOOD HUNGER RESEARCH.

The Richard B. Russell National School Lunch Act is amended by inserting after section 22 (42 U.S.C. 1769c) the following:

''SEC. 23. CHILDHOOD HUNGER RESEARCH.

''(a) RESEARCH ON CAUSES AND CONSEQUENCES OF CHILDHOOD HUNGER.—

''(1) IN GENERAL.—The Secretary shall conduct research on—

''(A) the causes of childhood hunger and food insecurity;

''(B) the characteristics of households with childhood hunger and food insecurity; and

''(C) the consequences of childhood hunger and food insecurity.

''(2) AUTHORITY.—In carrying out research under paragraph (1), the Secretary may—

''(A) enter into competitively awarded contracts or cooperative agreements; or

''(B) provide grants to States or public or private agencies or organizations, as determined by the Secretary.

''(3) APPLICATION.—To be eligible to enter into a contract or cooperative agreement or receive a grant under this subsection, a State or public or private agency or organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require.

''(4) AREAS OF INQUIRY.—The Secretary shall design the research program to advance knowledge and understanding of information on the issues described in paragraph (1), such as—

''(A) economic, health, social, cultural, demographic, and other factors that contribute to childhood hunger or food insecurity;

''(B) the geographic distribution of childhood hunger and food insecurity;

''(C) the extent to which—

''(i) existing Federal assistance programs, including the Internal Revenue Code of 1986, reduce childhood hunger and food insecurity; and

''(ii) childhood hunger and food insecurity persist due to—

''(I) gaps in program coverage;

''(II) the inability of potential participants to access programs; or

''(III) the insufficiency of program benefits or services;

''(D) the public health and medical costs of childhood hunger and food insecurity;

''(E) an estimate of the degree to which the Census Bureau measure of food insecurity underestimates childhood hunger and food insecurity because the Census Bureau excludes certain households, such as homeless, or other factors;

''(F) the effects of childhood hunger on child development, well-being, and educational attainment; and

''(G) such other critical outcomes as are determined by the Secretary.

''(5) FUNDING.—

''(A) IN GENERAL.—On October 1, 2012, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $10,000,000, to remain available until expended.

''(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

''(b) DEMONSTRATION PROJECTS TO END CHILDHOOD HUNGER.—

''(1) DEFINITIONS.—In this subsection:

''(A) CHILD.—The term 'child' means a person under the age of 18.

''(B) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term 'supplemental nutrition assistance program' means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

''(2) PURPOSE.—Under such terms and conditions as are established by the Secretary, the Secretary shall carry out demonstration projects that test innovative strategies to end childhood hunger, including alternative models for service delivery and benefit levels that promote the reduction or elimination of childhood hunger and food insecurity.

''(3) PROJECTS.—Demonstration projects carried out under this subsection may include projects that—

''(A) enhance benefits provided under the supplemental nutrition assistance program for eligible households with children;

''(B) enhance benefits or provide for innovative program delivery models in the school meals, afterschool snack, and child and adult care food programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

''(C) target Federal, State, or local assistance, including emergency housing or family preservation services, at households with children who are experiencing hunger or food insecurity, to the extent permitted by the legal authority establishing those assistance programs and services.

''(4) GRANTS.—

''(A) DEMONSTRATION PROJECTS.—

''(i) IN GENERAL.—In carrying out this subsection, the Secretary may enter into competitively awarded contracts or cooperative agreements with, or provide grants to, public or private organizations or agencies (as determined by the Secretary), for use in accordance with demonstration projects that meet the purposes of this subsection.

''(ii) REQUIREMENT.—At least 1 demonstration project funded under this subsection shall be carried out on an Indian reservation in a rural area with a service population with a prevalence of diabetes that exceeds 15 percent, as determined by the Director of the Indian Health Service.

''(B) APPLICATION.—To be eligible to receive a contract, cooperative agreement, or grant under this subsection, an organization or agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(C) SELECTION CRITERIA.—Demonstration projects shall be selected based on publicly disseminated criteria that may include—

''(i) an identification of a low-income target group that reflects individuals experiencing hunger or food insecurity;

''(ii) a commitment to a demonstration project that allows for a rigorous outcome evaluation as described in paragraph (6);

''(iii) a focus on innovative strategies to reduce the risk of childhood hunger or provide a significant improvement to the food security status of households with children; and

''(iv) such other criteria as are determined by the Secretary.

''(5) CONSULTATION.—In determining the range of projects and defining selection criteria under this subsection, the Secretary shall consult with—

''(A) the Secretary of Health and Human Services;

''(B) the Secretary of Labor; and

''(C) the Secretary of Housing and Urban Development.

''(6) EVALUATION AND REPORTING.—

''(A) INDEPENDENT EVALUATION.—The Secretary shall provide for an independent evaluation of each demonstration project carried out under this subsection that—

''(i) measures the impact of each demonstration project on appropriate participation, food security, nutrition, and associated behavioral outcomes among participating households; and

''(ii) uses rigorous experimental designs and methodologies, particularly random assignment or other methods that are capable of producing scientifically valid information regarding which activities are effective in reducing the prevalence or preventing the incidence of food insecurity and hunger in the community, especially among children.

''(B) REPORTING.—Not later than December 31, 2013 and each December 31 thereafter until the date on which the last evaluation under subparagraph (A) is completed, the Secretary shall—

''(i) submit to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

''(I) the status of each demonstration project; and

''(II) the results of any evaluations of the demonstration projects completed during the previous fiscal year; and

''(ii) ensure that the evaluation results are shared broadly to inform policy makers, service providers, other partners, and the public in order to promote the wide use of successful strategies.

''(7) FUNDING.—

''(A) IN GENERAL.—On October 1, 2012, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $40,000,000, to remain available until September 30, 2017.

''(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

''(C) USE OF FUNDS.—

''(i) IN GENERAL.—Funds made available under subparagraph (A) may be used to carry out this subsection, including to pay Federal costs associated with developing, soliciting, awarding, monitoring, evaluating, and disseminating the results of each demonstration project under this subsection.

''(ii) INDIAN RESERVATIONS.—Of amounts made available under subparagraph (A), the Secretary shall use a portion of the amounts to carry out research relating to hunger, obesity and type 2 diabetes on Indian reservations, including research to determine the manner in which Federal nutrition programs can help to overcome those problems.

''(iii) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

''(I) describes the manner in which Federal nutrition programs can help to overcome child hunger nutrition problems on Indian reservations; and

''(II) contains proposed administrative and legislative recommendations to strengthen and streamline all relevant Department of Agriculture nutrition programs to reduce childhood hunger, obesity, and type 2 diabetes on Indian reservations.

''(D) LIMITATIONS.—

''(i) DURATION.—No project may be funded under this subsection for more than 5 years.

''(ii) PROJECT REQUIREMENTS.—No project that makes use of, alters, or coordinates with the supplemental nutrition assistance program may be funded under this subsection unless the project is fully consistent with the project requirements described in section 17(b)(1)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)).

''(iii) HUNGER-FREE COMMUNITIES.—No project may be funded under this subsection that receives funding under section 4405 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7517).

''(iv) OTHER BENEFITS.—Funds made available under this subsection may not be used for any project in a manner that is inconsistent with—

''(I) this Act;

''(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

''(III) the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

''(IV) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).''.

SEC. 142. STATE CHILDHOOD HUNGER CHALLENGE GRANTS.

The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting after section 23 (as added by section 141) the following:

''SEC. 24. STATE CHILDHOOD HUNGER CHALLENGE GRANTS.

''(a) DEFINITIONS.—In this section:

''(1) CHILD.—The term 'child' means a person under the age of 18.

''(2) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term 'supplemental nutrition assistance program' means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

''(b) PURPOSE.—Under such terms and conditions as are established by the Secretary, funds made available under this section may be used to competitively award grants to or enter into cooperative agreements with Governors to carry out comprehensive and innovative strategies to end childhood hunger, including alternative models for service delivery and benefit levels that promote the reduction or elimination of childhood hunger by 2015.

''(c) PROJECTS.—State demonstration projects carried out under this section may include projects that—

''(1) enhance benefits provided under the supplemental nutrition assistance program for eligible households with children;

''(2) enhance benefits or provide for innovative program delivery models in the school meals, afterschool snack, and child and adult care food programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

''(3) target Federal, State, or local assistance, including emergency housing, family preservation services, child care, or temporary assistance at households with children who are experiencing hunger or food insecurity, to the extent permitted by the legal authority establishing those assistance programs and services;

''(4) enhance outreach to increase access and participation in Federal nutrition assistance programs; and

''(5) improve the coordination of Federal, State, and community resources and services aimed at preventing food insecurity and hunger, including through the establishment and expansion of State food policy councils.

''(d) GRANTS.—

''(1) IN GENERAL.—In carrying out this section, the Secretary may competitively award grants or enter into competitively awarded cooperative agreements with Governors for use in accordance with demonstration projects that meet the purposes of this section.

''(2) APPLICATION.—To be eligible to receive a grant or cooperative agreement under this section, a Governor shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) SELECTION CRITERIA.—The Secretary shall evaluate proposals based on publicly disseminated criteria that may include—

''(A) an identification of a low-income target group that reflects individuals experiencing hunger or food insecurity;

''(B) a commitment to approaches that allow for a rigorous outcome evaluation as described in subsection (f);

''(C) a comprehensive and innovative strategy to reduce the risk of childhood hunger or provide a significant improvement to the food security status of households with children; and

''(D) such other criteria as are determined by the Secretary.

''(4) REQUIREMENTS.—Any project funded under this section shall provide for—

''(A) a baseline assessment, and subsequent annual assessments, of the prevalence and severity of very low food security among children in the State, based on a methodology prescribed by the Secretary;

''(B) a collaborative planning process including key stakeholders in the State that results in a comprehensive agenda to eliminate childhood hunger that is—

''(i) described in a detailed project plan; and

''(ii) provided to the Secretary for approval;

''(C) an annual budget;

''(D) specific performance goals, including the goal to sharply reduce or eliminate food insecurity among children in the State by 2015, as determined through a methodology prescribed by the Secretary and carried out by the Governor; and

''(E) an independent outcome evaluation of not less than 1 major strategy of the project that measures—

''(i) the specific impact of the strategy on food insecurity among children in the State; and

''(ii) if applicable, the nutrition assistance participation rate among children in the State.

''(e) CONSULTATION.—In determining the range of projects and defining selection criteria under this section, the Secretary shall consult with—

''(1) the Secretary of Health and Human Services;

''(2) the Secretary of Labor;

''(3) the Secretary of Education; and

''(4) the Secretary of Housing and Urban Development.

''(f) EVALUATION AND REPORTING.—

''(1) GENERAL PERFORMANCE ASSESSMENT.—Each project authorized under this section shall require an independent assessment that—

''(A) measures the impact of any activities carried out under the project on the level of food insecurity in the State that—

''(i) focuses particularly on the level of food insecurity among children in the State; and

''(ii) includes a preimplementation baseline and annual measurements taken during the project of the level of food insecurity in the State; and

''(B) is carried out using a methodology prescribed by the Secretary.

''(2) INDEPENDENT EVALUATION.—Each project authorized under this section shall provide for an independent evaluation of not less than 1 major strategy that—

''(A) measures the impact of the strategy on appropriate participation, food security, nutrition, and associated behavioral outcomes among participating households; and

''(B) uses rigorous experimental designs and methodologies, particularly random assignment or other methods that are capable of producing scientifically valid information regarding which activities are effective in reducing the prevalence or preventing the incidence of food insecurity and hunger in the community, especially among children.

''(3) REPORTING.—Not later than December 31, 2011 and each December 31 thereafter until the date on which the last evaluation under paragraph (1) is completed, the Secretary shall—

''(A) submit to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

''(i) the status of each State demonstration project; and

''(ii) the results of any evaluations of the demonstration projects completed during the previous fiscal year; and

''(B) ensure that the evaluation results are shared broadly to inform policy makers, service providers, other partners, and the public in order to promote the wide use of successful strategies.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2011 through 2014, to remain available until expended.

''(2) USE OF FUNDS.—Funds made available under paragraph (1) may be used to carry out this section, including to pay Federal costs associated with developing, soliciting, awarding, monitoring, evaluating, and disseminating the results of each demonstration project under this section.

''(3) LIMITATIONS.—

''(A) DURATION.—No project may be funded under this section for more than 5 years.

''(B) PERFORMANCE BASIS.—Funds provided under this section shall be made available to each Governor on an annual basis, with the amount of funds provided for each year contingent on the satisfactory implementation of the project plan and progress towards the performance goals defined in the project year plan.

''(C) ALTERING NUTRITION ASSISTANCE PROGRAM REQUIREMENTS.—No project that makes use of, alters, or coordinates with the supplemental nutrition assistance program may be funded under this section unless the project is fully consistent with the project requirements described in section 17(b)(1)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)).

''(D) OTHER BENEFITS.—Funds made available under this section may not be used for any project in a manner that is inconsistent with—

''(i) this Act;

''(ii) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

''(iii) the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

''(iv) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).''.

SEC. 143. REVIEW OF LOCAL POLICIES ON MEAL CHARGES AND PROVISION OF ALTERNATE MEALS.

(a) IN GENERAL.—

(1) REVIEW.—The Secretary, in conjunction with States and participating local educational agencies, shall examine the current policies and practices of States and local educational agencies regarding extending credit to children to pay the cost to the children of reimbursable school lunches and breakfasts.

(2) SCOPE.—The examination under paragraph (1) shall include the policies and practices in effect as of the date of enactment of this Act relating to providing to children who are without funds a meal other than the reimbursable meals.

(3) FEASIBILITY.—In carrying out the examination under paragraph (1), the Secretary shall—

(A) prepare a report on the feasibility of establishing national standards for meal charges and the provision of alternate meals; and

(B) provide recommendations for implementing those standards.

(b) FOLLOWUP ACTIONS.—

(1) IN GENERAL.—Based on the findings and recommendations under subsection (a), the Secretary may—

(A) implement standards described in paragraph (3) of that subsection through regulation;

(B) test recommendations through demonstration projects; or

(C) study further the feasibility of recommendations.

(2) FACTORS FOR CONSIDERATION.—In determining how best to implement recommendations described in subsection (a)(3), the Secretary shall consider such factors as—

(A) the impact of overt identification on children;

(B) the manner in which the affected households will be provided with assistance in establishing eligibility for free or reduced price school meals; and

(C) the potential financial impact on local educational agencies.

TITLE II—REDUCING CHILDHOOD OBESITY AND IMPROVING THE DIETS OF CHILDREN

Subtitle A—National School Lunch Program

SEC. 201. PERFORMANCE-BASED REIMBURSEMENT RATE INCREASES FOR NEW MEAL PATTERNS.

Section 4(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1753(b)) is amended by adding at the end the following:

''(3) ADDITIONAL REIMBURSEMENT.—

''(A) REGULATIONS.—

''(i) PROPOSED REGULATIONS.—Notwithstanding section 9(f), not later than 18 months after the date of enactment of this paragraph, the Secretary shall promulgate proposed regulations to update the meal patterns and nutrition standards for the school lunch program authorized under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) based on recommendations made by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences.

''(ii) INTERIM OR FINAL REGULATIONS.—

''(I) IN GENERAL.—Not later than 18 months after promulgation of the proposed regulations under clause (i), the Secretary shall promulgate interim or final regulations.

''(II) DATE OF REQUIRED COMPLIANCE.—The Secretary shall establish in the interim or final regulations a date by which all school food authorities participating in the school lunch program authorized under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) are required to comply with the meal pattern and nutrition standards established in the interim or final regulations.

''(iii) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this paragraph, and each 90 days thereafter until the Secretary has promulgated interim or final regulations under clause (ii), the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a quarterly report on progress made toward promulgation of the regulations described in this subparagraph.

''(B) PERFORMANCE-BASED REIMBURSEMENT RATE INCREASE.—Beginning on the later of the date of promulgation of the implementing regulations described in subparagraph (A)(ii), the date of enactment of this paragraph, or October 1, 2012, the Secretary shall provide additional reimbursement for each lunch served in school food authorities determined to be eligible under subparagraph (D).

''(C) ADDITIONAL REIMBURSEMENT.—

''(i) IN GENERAL.—Each lunch served in school food authorities determined to be eligible under subparagraph (D) shall receive an additional 6 cents, adjusted in accordance with section 11(a)(3), to the national lunch average payment for each lunch served.

''(ii) DISBURSEMENT.—The State agency shall disburse funds made available under this paragraph to school food authorities eligible to receive additional reimbursement.

''(D) ELIGIBLE SCHOOL FOOD AUTHORITY.—To be eligible to receive an additional reimbursement described in this paragraph, a

school food authority shall be certified by the State to be in compliance with the interim or final regulations described in subparagraph (A)(ii).

''(E) FAILURE TO COMPLY.—Beginning on the later of the date described in subparagraph (A)(ii)(II), the date of enactment of this paragraph, or October 1, 2012, school food authorities found to be out of compliance with the meal patterns or nutrition standards established by the implementing regulations shall not receive the additional reimbursement for each lunch served described in this paragraph.

''(F) ADMINISTRATIVE COSTS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall make funds available to States for State activities related to training, technical assistance, certification, and oversight activities of this paragraph.

''(ii) PROVISION OF FUNDS.—The Secretary shall provide funds described in clause (i) to States administering a school lunch program in a manner proportional to the administrative expense allocation of each State during the preceding fiscal year.

''(iii) FUNDING.—

''(I) IN GENERAL.—In the later of the fiscal year in which the implementing regulations described in subparagraph (A)(ii) are promulgated or the fiscal year in which this paragraph is enacted, and in the subsequent fiscal year, the Secretary shall use not more than $50,000,000 of funds made available under section 3 to make payments to States described in clause (i).

''(II) RESERVATION.—In providing funds to States under clause (i), the Secretary may reserve not more than $3,000,000 per fiscal year to support Federal administrative activities to carry out this paragraph.''.

SEC. 202. NUTRITION REQUIREMENTS FOR FLUID MILK.

Section 9(a)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(2)(A)) is amended by striking clause (i) and inserting the following:

''(i) shall offer students a variety of fluid milk. Such milk shall be consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);''.

SEC. 203. WATER.

Section 9(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)) is amended by adding at the end the following:

''(5) WATER.—Schools participating in the school lunch program under this Act shall make available to children free of charge, as nutritionally appropriate, potable water for consumption in the place where meals are served during meal service.''.

SEC. 204. LOCAL SCHOOL WELLNESS POLICY IMPLEMENTATION.

(a) IN GENERAL.—The Richard B. Russell National School Lunch Act is amended by inserting after section 9 (42 U.S.C. 1758) the following:

''SEC. 9A. LOCAL SCHOOL WELLNESS POLICY.

''(a) IN GENERAL.—Each local educational agency participating in a program authorized by this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall establish a local school wellness policy for all schools under the jurisdiction of the local educational agency.

''(b) GUIDELINES.—The Secretary shall promulgate regulations that provide the framework and guidelines for local educational agencies to establish local school wellness policies, including, at a minimum,—

''(1) goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness;

''(2) for all foods available on each school campus under the jurisdiction of the local educational agency during the school day, nutrition guidelines that—

''(A) are consistent with sections 9 and 17 of this Act, and sections 4 and 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1773, 1779); and

''(B) promote student health and reduce childhood obesity;

''(3) a requirement that the local educational agency permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the local school wellness policy;

''(4) a requirement that the local educational agency inform and update the public (including parents, students, and others in the community) about the content and implementation of the local school wellness policy; and

''(5) a requirement that the local educational agency—

''(A) periodically measure and make available to the public an assessment on the implementation of the local school wellness policy, including—

''(i) the extent to which schools under the jurisdiction of the local educational agency are in compliance with the local school wellness policy;

''(ii) the extent to which the local school wellness policy of the local educational agency compares to model local school wellness policies; and

''(iii) a description of the progress made in attaining the goals of the local school wellness policy; and

''(B) designate 1 or more local educational agency officials or school officials, as appropriate, to ensure that each school complies with the local school wellness policy.

''(c) LOCAL DISCRETION.—The local educational agency shall use the guidelines promulgated by the Secretary under subsection (b) to determine specific policies appropriate for the schools under the jurisdiction of the local educational agency.

''(d) TECHNICAL ASSISTANCE AND BEST PRACTICES.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Education and the Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention, shall provide information and technical assistance to local educational agencies, school food authorities, and State educational agencies for use in establishing healthy school environments that are intended to promote student health and wellness.

''(2) CONTENT.—The Secretary shall provide technical assistance that—

''(A) includes resources and training on designing, implementing, promoting, disseminating, and evaluating local school wellness policies and overcoming barriers to the adoption of local school wellness policies;

''(B) includes model local school wellness policies and best practices recommended by Federal agencies, State agencies, and nongovernmental organizations;

''(C) includes such other technical assistance as is required to promote sound nutrition and establish healthy school nutrition environments; and

''(D) is consistent with the specific needs and requirements of local educational agencies.

''(3) STUDY AND REPORT.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary, in conjunction with the Director of the Centers for Disease Control and Prevention, shall prepare a report on the implementation, strength, and effectiveness of the local school wellness policies carried out in accordance with this section.

''(B) STUDY OF LOCAL SCHOOL WELLNESS POLICIES.—The study described in subparagraph (A) shall include——

''(i) an analysis of the strength and weaknesses of local school wellness policies and how the policies compare with model local wellness policies recommended under paragraph (2)(B); and

''(ii) an assessment of the impact of the local school wellness policies in addressing the requirements of subsection (b).

''(C) REPORT.—Not later than January 1, 2014, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the findings of the study.

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $3,000,000 for fiscal year 2011, to remain available until expended.''.

(b) REPEAL.—Section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1751 note; Public Law 108–265) is repealed.

SEC. 205. EQUITY IN SCHOOL LUNCH PRICING.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following:

''(p) PRICE FOR A PAID LUNCH.—

''(1) DEFINITION OF PAID LUNCH.—In this subsection, the term 'paid lunch' means a reimbursable lunch served to students who are not certified to receive free or reduced price meals.

''(2) REQUIREMENT.—

''(A) IN GENERAL.—For each school year beginning July 1, 2011, each school food authority shall establish a price for paid lunches in accordance with this subsection.

''(B) LOWER PRICE.—

''(i) IN GENERAL.—In the case of a school food authority that established a price for a paid lunch in the previous school year that was less than the difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch, the school food authority shall establish an average price for a paid lunch that is not less than the price charged in the previous school year, as adjusted by a percentage equal to the sum obtained by adding—

''(I) 2 percent; and

''(II) the percentage change in the Consumer Price Index for All Urban Consumers (food away from home index) used to increase the Federal reimbursement rate under section 11 for the most recent school year for which data are available, as published in the Federal Register.

''(ii) ROUNDING.—A school food authority may round the adjusted price for a paid lunch under clause (i) down to the nearest 5 cents.

''(iii) MAXIMUM REQUIRED PRICE INCREASE.—

''(I) IN GENERAL.—The maximum annual average price increase required to meet the requirements of this subparagraph shall not exceed 10 cents for any school food authority.

''(II) DISCRETIONARY INCREASE.—A school food authority may increase the average price for a paid lunch for a school year by more than 10 cents.

''(C) EQUAL OR GREATER PRICE.—

''(i) IN GENERAL.—In the case of a school food authority that established an average price for a paid lunch in the previous school year that was equal to or greater than the

difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch, the school food authority shall establish an average price for a paid lunch that is not less than the difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch.

''(ii) ROUNDING.—A school food authority may round the adjusted price for a paid lunch under clause (i) down to the nearest 5 cents.

''(3) EXCEPTIONS.—

''(A) REDUCTION IN PRICE.—A school food authority may reduce the average price of a paid lunch established under this subsection if the State agency ensures that funding from non-Federal sources (other than in-kind contributions) is added to the nonprofit school food service account of the school food authority in an amount estimated to be equal to at least the difference between—

''(i) the average price required of the school food authority for the paid lunches under paragraph (2); and

''(ii) the average price charged by the school food authority for the paid lunches.

''(B) NON-FEDERAL SOURCES.—For the purposes of subparagraph (A), non-Federal sources does not include revenue from the sale of foods sold in competition with meals served under the school lunch program authorized under this Act or the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

''(C) OTHER PROGRAMS.—This subsection shall not apply to lunches provided under section 17 of this Act.

''(4) REGULATIONS.—The Secretary shall establish procedures to carry out this subsection, including collecting and publishing the prices that school food authorities charge for paid meals on an annual basis and procedures that allow school food authorities to average the pricing of paid lunches at schools throughout the jurisdiction of the school food authority.''.

SEC. 206. REVENUE FROM NONPROGRAM FOODS SOLD IN SCHOOLS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) (as amended by section 205) is amended by adding at the end the following:

''(q) NONPROGRAM FOOD SALES.—

''(1) DEFINITION OF NONPROGRAM FOOD.—In this subsection:

''(A) IN GENERAL.—The term 'nonprogram food' means food that is—

''(i) sold in a participating school other than a reimbursable meal provided under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

''(ii) purchased using funds from the nonprofit school food service account of the school food authority of the school.

''(B) INCLUSION.—The term 'nonprogram food' includes food that is sold in competition with a program established under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(2) REVENUES.—

''(A) IN GENERAL.—The proportion of total school food service revenue provided by the sale of nonprogram foods to the total revenue of the school food service account shall be equal to or greater than the proportion of total food costs associated with obtaining nonprogram foods to the total costs associated with obtaining program and nonprogram foods from the account.

''(B) ACCRUAL.—All revenue from the sale of nonprogram foods shall accrue to the nonprofit school food service account of a participating school food authority.

''(C) EFFECTIVE DATE.—This subsection shall be effective beginning on July 1, 2011.''.

SEC. 207. REPORTING AND NOTIFICATION OF SCHOOL PERFORMANCE.

Section 22 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) UNIFIED ACCOUNTABILITY SYSTEM.—

''(1) IN GENERAL.—There shall be a unified system prescribed and administered by the Secretary to ensure that local food service authorities participating in the school lunch program established under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) comply with those Acts, including compliance with—

''(A) the nutritional requirements of section 9(f) of this Act for school lunches; and

''(B) as applicable, the nutritional requirements for school breakfasts under section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)).''; and

(2) in subsection (b)(1), by striking subparagraphs (A) and (B) and inserting the following:

''(A) require that local food service authorities comply with the nutritional requirements described in subparagraphs (A) and (B) of paragraph (1);

''(B) to the maximum extent practicable, ensure compliance through reasonable audits and supervisory assistance reviews;

''(C) in conducting audits and reviews for the purpose of determining compliance with this Act, including the nutritional requirements of section 9(f)—

''(i) conduct audits and reviews during a 3-year cycle or other period prescribed by the Secretary;

''(ii) select schools for review in each local educational agency using criteria established by the Secretary;

''(iii) report the final results of the reviews to the public in the State in an accessible, easily understood manner in accordance with guidelines promulgated by the Secretary; and

''(iv) submit to the Secretary each year a report containing the results of the reviews in accordance with procedures developed by the Secretary; and

''(D) when any local food service authority is reviewed under this section, ensure that the final results of the review by the State educational agency are posted and otherwise made available to the public on request in an accessible, easily understood manner in accordance with guidelines promulgated by the Secretary.''.

SEC. 208. NUTRITION STANDARDS FOR ALL FOODS SOLD IN SCHOOL.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) by striking the section heading and all that follows through ''(a) The Secretary'' and inserting the following:

''SEC. 10. REGULATIONS.

''(a) IN GENERAL.—The Secretary''; and

(2) by striking subsection (b) and inserting the following:

''(b) NATIONAL SCHOOL NUTRITION STANDARDS.—

''(1) PROPOSED REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall—

''(i) establish science-based nutrition standards for foods sold in schools other than foods provided under this Act and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

''(ii) not later than 1 year after the date of enactment of this paragraph, promulgate proposed regulations to carry out clause (i).

''(B) APPLICATION.—The nutrition standards shall apply to all foods sold—

''(i) outside the school meal programs;

''(ii) on the school campus; and

''(iii) at any time during the school day.

''(C) REQUIREMENTS.—In establishing nutrition standards under this paragraph, the Secretary shall—

''(i) establish standards that are consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), including the food groups to encourage and nutrients of concern identified in the Dietary Guidelines; and

''(ii) consider—

''(I) authoritative scientific recommendations for nutrition standards;

''(II) existing school nutrition standards, including voluntary standards for beverages and snack foods and State and local standards;

''(III) the practical application of the nutrition standards; and

''(IV) special exemptions for school-sponsored fundraisers (other than fundraising through vending machines, school stores, snack bars, a la carte sales, and any other exclusions determined by the Secretary), if the fundraisers are approved by the school and are infrequent within the school.

''(D) UPDATING STANDARDS.—As soon as practicable after the date of publication by the Department of Agriculture and the Department of Health and Human Services of a new edition of the Dietary Guidelines for Americans under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), the Secretary shall review and update as necessary the school nutrition standards and requirements established under this subsection.

''(2) IMPLEMENTATION.—

''(A) EFFECTIVE DATE.—The interim or final regulations under this subsection shall take effect at the beginning of the school year that is not earlier than 1 year and not later than 2 years following the date on which the regulations are finalized.

''(B) REPORTING.—The Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and Labor of the House of Representatives a quarterly report that describes progress made toward promulgating final regulations under this subsection.''.

SEC. 209. INFORMATION FOR THE PUBLIC ON THE SCHOOL NUTRITION ENVIRONMENT.

Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

''(k) INFORMATION ON THE SCHOOL NUTRITION ENVIRONMENT.—

''(1) IN GENERAL.—The Secretary shall—

''(A) establish requirements for local educational agencies participating in the school lunch program under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) to report information about the school nutrition environment, for all schools under the jurisdiction of the local educational agencies, to the Secretary and to the public in the State on a periodic basis; and

''(B) provide training and technical assistance to States and local educational agencies on the assessment and reporting of the school nutrition environment, including the use of any assessment materials developed by the Secretary.

''(2) REQUIREMENTS.—In establishing the requirements for reporting on the school nutrition environment under paragraph (1), the Secretary shall—

''(A) include information pertaining to food safety inspections, local wellness policies, meal program participation, the nutritional quality of program meals, and other

information as determined by the Secretary; and

''(B) ensure that information is made available to the public by local educational agencies in an accessible, easily understood manner in accordance with guidelines established by the Secretary.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2011 through 2015.''.

SEC. 210. ORGANIC FOOD PILOT PROGRAM.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following:

''(j) ORGANIC FOOD PILOT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish an organic food pilot program (referred to in this subsection as the 'pilot program') under which the Secretary shall provide grants on a competitive basis to school food authorities selected under paragraph (3).

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—The Secretary shall use funds provided under this section—

''(i) to enter into competitively awarded contracts or cooperative agreements with school food authorities selected under paragraph (3); or

''(ii) to make grants to school food authority applicants selected under paragraph (3).

''(B) SCHOOL FOOD AUTHORITY USES OF FUNDS.—A school food authority that receives a grant under this section shall use the grant funds to establish a pilot program that increases the quantity of organic foods provided to schoolchildren under the school lunch program established under this Act.

''(3) APPLICATION.—

''(A) IN GENERAL.—A school food authority seeking a contract, grant, or cooperative agreement under this subsection shall submit to the Secretary an application in such form, containing such information, and at such time as the Secretary shall prescribe.

''(B) CRITERIA.—In selecting contract, grant, or cooperative agreement recipients, the Secretary shall consider—

''(i) 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)) applicable to a family of the size involved of the households in the district served by the school food authority, giving preference to school food authority applicants in which not less than 50 percent of the households in the district are at or below the Federal poverty line;

''(ii) the commitment of each school food authority applicant—

''(I) to improve the nutritional value of school meals;

''(II) to carry out innovative programs that improve the health and wellness of schoolchildren; and

''(III) to evaluate the outcome of the pilot program; and

''(iii) any other criteria the Secretary determines to be appropriate.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $10,000,000 for fiscal years 2011 through 2015.''.

Subtitle B—Child and Adult Care Food Program

SEC. 221. NUTRITION AND WELLNESS GOALS FOR MEALS SERVED THROUGH THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(1) in subsection (a), by striking ''(a) GRANT AUTHORITY'' and all that follows through the end of paragraph (1) and inserting the following:

''(a) PROGRAM PURPOSE, GRANT AUTHORITY AND INSTITUTION ELIGIBILITY.—

''(1) IN GENERAL.—

''(A) PROGRAM PURPOSE.—

''(i) FINDINGS.—Congress finds that—

''(I) eating habits and other wellness-related behavior habits are established early in life; and

''(II) good nutrition and wellness are important contributors to the overall health of young children and essential to cognitive development.

''(ii) PURPOSE.—The purpose of the program authorized by this section is to provide aid to child and adult care institutions and family or group day care homes for the provision of nutritious foods that contribute to the wellness, healthy growth, and development of young children, and the health and wellness of older adults and chronically impaired disabled persons.

''(B) GRANT AUTHORITY.—The Secretary may carry out a program to assist States through grants-in-aid and other means to initiate and maintain nonprofit food service programs for children in institutions providing child care.'';

(2) by striking subsection (g) and inserting the following:

''(g) NUTRITIONAL REQUIREMENTS FOR MEALS AND SNACKS SERVED IN INSTITUTIONS AND FAMILY OR GROUP DAY CARE HOMES.—

''(1) DEFINITION OF DIETARY GUIDELINES.—In this subsection, the term 'Dietary Guidelines' means the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

''(2) NUTRITIONAL REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (C), reimbursable meals and snacks served by institutions, family or group day care homes, and sponsored centers participating in the program under this section shall consist of a combination of foods that meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research.

''(B) CONFORMITY WITH THE DIETARY GUIDELINES AND AUTHORITATIVE SCIENCE.—

''(i) IN GENERAL.—Not less frequently than once every 10 years, the Secretary shall review and, as appropriate, update requirements for meals served under the program under this section to ensure that the meals—

''(I) are consistent with the goals of the most recent Dietary Guidelines; and

''(II) promote the health of the population served by the program authorized under this section, as indicated by the most recent relevant nutrition science and appropriate authoritative scientific agency and organization recommendations.

''(ii) COST REVIEW.—The review required under clause (i) shall include a review of the cost to child care centers and group or family day care homes resulting from updated requirements for meals and snacks served under the program under this section.

''(iii) REGULATIONS.—Not later than 18 months after the completion of the review of the meal pattern under clause (i), the Secretary shall promulgate proposed regulations to update the meal patterns for meals and snacks served under the program under this section.

''(C) EXCEPTIONS.—

''(i) SPECIAL DIETARY NEEDS.—The minimum nutritional requirements prescribed under subparagraph (A) shall not prohibit institutions, family or group day care homes, and sponsored centers from substituting foods to accommodate the medical or other special dietary needs of individual participants.

''(ii) EXEMPT INSTITUTIONS.—The Secretary may elect to waive all or part of the requirements of this subsection for emergency shelters participating in the program under this section.

''(3) MEAL SERVICE.—Institutions, family or group day care homes, and sponsored centers shall ensure that reimbursable meal service contributes to the development and socialization of enrolled children by providing that food is not used as a punishment or reward.

''(4) FLUID MILK.—

''(A) IN GENERAL.—If an institution, family or group day care home, or sponsored center provides fluid milk as part of a reimbursable meal or supplement, the institution, family or group day care home, or sponsored center shall provide the milk in accordance with the most recent version of the Dietary Guidelines.

''(B) MILK SUBSTITUTES.—In the case of children who cannot consume fluid milk due to medical or other special dietary needs other than a disability, an institution, family or group day care home, or sponsored center may substitute for the fluid milk required in meals served, a nondairy beverage that—

''(i) is nutritionally equivalent to fluid milk; and

''(ii) meets nutritional standards established by the Secretary, including, among other requirements established by the Secretary, fortification of calcium, protein, vitamin A, and vitamin D to levels found in cow's milk.

''(C) APPROVAL.—

''(i) IN GENERAL.—A substitution authorized under subparagraph (B) may be made—

''(I) at the discretion of and on approval by the participating day care institution; and

''(II) if the substitution is requested by written statement of a medical authority, or by the parent or legal guardian of the child, that identifies the medical or other special dietary need that restricts the diet of the child.

''(ii) EXCEPTION.—An institution, family or group day care home, or sponsored center that elects to make a substitution authorized under this paragraph shall not be required to provide beverages other than beverages the State has identified as acceptable substitutes.

''(D) EXCESS EXPENSES BORNE BY INSTITUTION.—A participating institution, family or group day care home, or sponsored center shall be responsible for any expenses that—

''(i) are incurred by the institution, family or group day care home, or sponsored center to provide substitutions under this paragraph; and

''(ii) are in excess of expenses covered under reimbursements under this Act.

''(5) NONDISCRIMINATION POLICY.—No physical segregation or other discrimination against any person shall be made because of the inability of the person to pay, nor shall there be any overt identification of any such person by special tokens or tickets, different meals or meal service, announced or published lists of names, or other means.

''(6) USE OF ABUNDANT AND DONATED FOODS.—To the maximum extent practicable, each institution shall use in its food service foods that are—

''(A) designated from time to time by the Secretary as being in abundance, either nationally or in the food service area; or

''(B) donated by the Secretary.'';

(3) by adding at the end the following:

''(u) PROMOTING HEALTH AND WELLNESS IN CHILD CARE.—

''(1) PHYSICAL ACTIVITY AND ELECTRONIC MEDIA USE.—The Secretary shall encourage participating child care centers and family or group day care homes—

''(A) to provide to all children under the supervision of the participating child care centers and family or group day care homes daily opportunities for structured and unstructured age-appropriate physical activity; and

''(B) to limit among children under the supervision of the participating child care centers and family or group day care homes the use of electronic media to an appropriate level.

''(2) WATER CONSUMPTION.—Participating child care centers and family or group day care homes shall make available to children, as nutritionally appropriate, potable water as an acceptable fluid for consumption throughout the day, including at meal times.

''(3) TECHNICAL ASSISTANCE AND GUIDANCE.—

''(A) IN GENERAL.—The Secretary shall provide technical assistance to institutions participating in the program under this section to assist participating child care centers and family or group day care homes in complying with the nutritional requirements and wellness recommendations prescribed by the Secretary in accordance with this subsection and subsection (g).

''(B) GUIDANCE.—Not later than January 1, 2012, the Secretary shall issue guidance to States and institutions to encourage participating child care centers and family or group day care homes serving meals and snacks under this section to—

''(i) include foods that are recommended for increased serving consumption in amounts recommended by the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), including fresh, canned, dried, or frozen fruits and vegetables, whole grain products, lean meat products, and low-fat and non-fat dairy products; and

''(ii) reduce sedentary activities and provide opportunities for regular physical activity in quantities recommended by the most recent Dietary Guidelines for Americans described in clause (i).

''(C) NUTRITION.—Technical assistance relating to the nutritional requirements of this subsection and subsection (g) shall include—

''(i) nutrition education, including education that emphasizes the relationship between nutrition, physical activity, and health;

''(ii) menu planning;

''(iii) interpretation of nutrition labels; and

''(iv) food preparation and purchasing guidance to produce meals and snacks that are—

''(I) consistent with the goals of the most recent Dietary Guidelines; and

''(II) promote the health of the population served by the program under this section, as recommended by authoritative scientific organizations.

''(D) PHYSICAL ACTIVITY.—Technical assistance relating to the physical activity requirements of this subsection shall include—

''(i) education on the importance of regular physical activity to overall health and well being; and

''(ii) sharing of best practices for physical activity plans in child care centers and homes as recommended by authoritative scientific organizations.

''(E) ELECTRONIC MEDIA USE.—Technical assistance relating to the electronic media use requirements of this subsection shall include—

''(i) education on the benefits of limiting exposure to electronic media by children; and

''(ii) sharing of best practices for the development of daily activity plans that limit use of electronic media.

''(F) MINIMUM ASSISTANCE.—At a minimum, the technical assistance required under this paragraph shall include a handbook, developed by the Secretary in coordination with the Secretary for Health and Human Services, that includes recommendations, guidelines, and best practices for participating institutions and family or group day care homes that are consistent with the nutrition, physical activity, and wellness requirements and recommendations of this subsection.

''(G) ADDITIONAL ASSISTANCE.—In addition to the requirements of this paragraph, the Secretary shall develop and provide such appropriate training and education materials, guidance, and technical assistance as the Secretary considers to be necessary to comply with the nutritional and wellness requirements of this subsection and subsection (g).

''(H) FUNDING.—

''(i) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to provide technical assistance under this subsection $10,000,000, to remain available until expended.

''(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under clause (i), without further appropriation.''.

SEC. 222. INTERAGENCY COORDINATION TO PROMOTE HEALTH AND WELLNESS IN CHILD CARE LICENSING.

The Secretary shall coordinate with the Secretary of Health and Human Services to encourage State licensing agencies to include nutrition and wellness standards within State licensing standards that ensure, to the maximum extent practicable, that licensed child care centers and family or group day care homes—

(1) provide to all children under the supervision of the child care centers and family or group day care homes daily opportunities for age-appropriate physical activity;

(2) limit among children under the supervision of the child care centers and family or group day care homes the use of electronic media and the quantity of time spent in sedentary activity to an appropriate level;

(3) serve meals and snacks that are consistent with the requirements of the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(4) promote such other nutrition and wellness goals as the Secretaries determine to be necessary.

SEC. 223. STUDY ON NUTRITION AND WELLNESS QUALITY OF CHILD CARE SETTINGS.

(a) IN GENERAL.—Not less than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, shall enter into a contract for the conduct of a nationally representative study of child care centers and family or group day care homes that includes an assessment of—

(1) the nutritional quality of all foods provided to children in child care settings as compared to the recommendations in most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(2) the quantity and type of opportunities for physical activity provided to children in child care settings;

(3) the quantity of time spent by children in child care settings in sedentary activities;

(4) an assessment of barriers and facilitators to—

(A) providing foods to children in child care settings that meet the recommendations of the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(B) providing the appropriate quantity and type of opportunities of physical activity for children in child care settings; and

(C) participation by child care centers and family or group day care homes in the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(5) such other assessment measures as the Secretary may determine to be necessary.

(b) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report that includes a detailed description of the results of the study conducted under subsection (a).

(c) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $5,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

Subtitle C—Special Supplemental Nutrition Program for Women, Infants, and Children

SEC. 231. SUPPORT FOR BREASTFEEDING IN THE WIC PROGRAM.

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) in subsection (a), in the second sentence, by striking ''supplemental foods and nutrition education through any eligible local agency'' and inserting ''supplemental foods and nutrition education, including breastfeeding promotion and support, through any eligible local agency'';

(2) in subsection (b)(4), by inserting ''breastfeeding support and promotion,'' after ''nutrition education,'';

(3) in subsection (c)(1), in the first sentence, by striking ''supplemental foods and nutrition education to'' and inserting ''supplemental foods, nutrition education, and breastfeeding support and promotion to'';

(4) in subsection (e)(2), in the second sentence, by inserting '', including breastfeeding support and education,'' after ''nutrition education'';

(5) in subsection (f)(6)(B), in the first sentence, by inserting ''and breastfeeding'' after ''nutrition education'';

(6) in subsection (h)—

(A) in paragraph (4)—

(i) by striking ''(4) The Secretary'' and all that follows through ''(A) in consultation'' and inserting the following:

''(4) REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary shall—

''(i) in consultation'';

(ii) by redesignating subparagraphs (B) through (F) as clauses (ii) through (vi), respectively, and indenting appropriately;

(iii) in clause (v) (as so redesignated), by striking ''and'' at the end;

(iv) in clause (vi) (as so redesignated), by striking ''2010 initiative.'' and inserting ''initiative; and''; and

(v) by adding at the end the following:

''(vii) annually compile and publish breastfeeding performance measurements based on program participant data on the number of partially and fully breast-fed infants, including breastfeeding performance measurements for—

''(I) each State agency; and

''(II) each local agency;

''(viii) in accordance with subparagraph (B), implement a program to recognize exemplary breastfeeding support practices at local agencies or clinics participating in the special supplemental nutrition program established under this section; and

''(ix) in accordance with subparagraph (C), implement a program to provide performance bonuses to State agencies.

''(B) EXEMPLARY BREASTFEEDING SUPPORT PRACTICES.—

''(i) IN GENERAL.—In evaluating exemplary practices under subparagraph (A)(viii), the Secretary shall consider—

''(I) performance measurements of breastfeeding;

''(II) the effectiveness of a peer counselor program;

''(III) the extent to which the agency or clinic has partnered with other entities to build a supportive breastfeeding environment for women participating in the program; and

''(IV) such other criteria as the Secretary considers appropriate after consultation with State and local program agencies.

''(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the activities described in clause (viii) of subparagraph (A) such sums as are necessary.

''(C) PERFORMANCE BONUSES.—

''(i) IN GENERAL.—Following the publication of breastfeeding performance measurements under subparagraph (A)(vii), the Secretary shall provide performance bonus payments to not more than 15 State agencies that demonstrate, as compared to other State agencies participating in the program—

''(I) the highest proportion of breast-fed infants; or

''(II) the greatest improvement in proportion of breast-fed infants.

''(ii) CONSIDERATION.—In providing performance bonus payments to State agencies under this subparagraph, the Secretary shall consider the proportion of fully breast-fed infants in the States.

''(iii) USE OF FUNDS.—A State agency that receives a performance bonus under clause (i)—

''(I) shall treat the funds as program income; and

''(II) may transfer the funds to local agencies for use in carrying out the program.

''(iv) IMPLEMENTATION.—The Secretary shall provide the first performance bonuses not later than 1 year after the date of enactment of this clause and may subsequently revise the criteria for awarding performance bonuses; and''; and

(B) by striking paragraph (10) and inserting the following:

''(10) FUNDS FOR INFRASTRUCTURE, MANAGEMENT INFORMATION SYSTEMS, AND SPECIAL NUTRITION EDUCATION.—

''(A) IN GENERAL.—For each of fiscal years 2010 through 2015, the Secretary shall use for the purposes specified in subparagraph (B) $139,000,000 (as adjusted annually for inflation by the same factor used to determine the national average per participant grant for nutrition services and administration for the fiscal year under paragraph (1)(B)).

''(B) PURPOSES.—Subject to subparagraph (C), of the amount made available under subparagraph (A) for a fiscal year—

''(i) $14,000,000 shall be used for—

''(I) infrastructure for the program under this section;

''(II) special projects to promote breastfeeding, including projects to assess the effectiveness of particular breastfeeding promotion strategies; and

''(III) special State projects of regional or national significance to improve the services of the program;

''(ii) $35,000,000 shall be used to establish, improve, or administer management information systems for the program, including changes necessary to meet new legislative or regulatory requirements of the program, of which up to $5,000,000 may be used for Federal administrative costs; and

''(iii) $90,000,000 shall be used for special nutrition education (such as breastfeeding peer counselors and other related activities), of which not more than $10,000,000 of any funding provided in excess of $50,000,000 shall be used to make performance bonus payments under paragraph (4)(C).

''(C) ADJUSTMENT.—Each of the amounts referred to in clauses (i), (ii), and (iii) of subparagraph (B) shall be adjusted annually for inflation by the same factor used to determine the national average per participant grant for nutrition services and administration for the fiscal year under paragraph (1)(B).

''(D) PROPORTIONAL DISTRIBUTION.—The Secretary shall distribute funds made available under subparagraph (A) in accordance with the proportional distribution described in subparagraphs (B) and (C).''; and

(7) in subsection (j), by striking ''supplemental foods and nutrition education'' each place it appears in paragraphs (1) and (2) and inserting ''supplemental foods, nutrition education, and breastfeeding support and promotion''.

SEC. 232. REVIEW OF AVAILABLE SUPPLEMENTAL FOODS.

Section 17(f)(11)(D) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(11)(D)) is amended in the matter preceding clause (i) by inserting ''but not less than every 10 years,'' after ''scientific knowledge,''.

Subtitle D—Miscellaneous

SEC. 241. NUTRITION EDUCATION AND OBESITY PREVENTION GRANT PROGRAM.

(a) IN GENERAL.—The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

''SEC. 28. NUTRITION EDUCATION AND OBESITY PREVENTION GRANT PROGRAM.

''(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this section, the term 'eligible individual' means an individual who is eligible to receive benefits under a nutrition education and obesity prevention program under this section as a result of being—

''(1) an individual eligible for benefits under—

''(A) this Act;

''(B) sections 9(b)(1)(A) and 17(c)(4) of the Richard B Russell National School Lunch Act (42 U.S.C. 1758(b)(1)(A), 1766(c)(4)); or

''(C) section 4(e)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)(A));

''(2) an individual who resides in a community with a significant low-income population, as determined by the Secretary; or

''(3) such other low-income individual as is determined to be eligible by the Secretary.

''(b) PROGRAMS.—Consistent with the terms and conditions of grants awarded under this section, State agencies may implement a nutrition education and obesity prevention program for eligible individuals that promotes healthy food choices consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

''(c) DELIVERY OF NUTRITION EDUCATION AND OBESITY PREVENTION SERVICES.—

''(1) IN GENERAL.—State agencies may deliver nutrition education and obesity prevention services under a program described in subsection (b)—

''(A) directly to eligible individuals; or

''(B) through agreements with other State or local agencies or community organizations.

''(2) NUTRITION EDUCATION STATE PLANS.—

''(A) IN GENERAL.—A State agency that elects to provide nutrition education and obesity prevention services under this subsection shall submit to the Secretary for approval a nutrition education State plan.

''(B) REQUIREMENTS.—Except as provided in subparagraph (C), a nutrition education State plan shall—

''(i) identify the uses of the funding for local projects;

''(ii) ensure that the interventions are appropriate for eligible individuals who are members of low-income populations by recognizing the constrained resources, and the potential eligibility for Federal food assistance programs, of members of those populations; and

''(iii) conform to standards established by the Secretary through regulations, guidance, or grant award documents.

''(C) TRANSITION PERIOD.—During each of fiscal years 2011 and 2012, a nutrition education State plan under this section shall be consistent with the requirements of section 11(f) (as that section, other than paragraph (3)(C), existed on the day before the date of enactment of this section).

''(3) USE OF FUNDS.—

''(A) IN GENERAL.—A State agency may use funds provided under this section for any evidence-based allowable use of funds identified by the Administrator of the Food and Nutrition Service of the Department of Agriculture in consultation with the Director of the Centers for Disease Control and Prevention of the Department of Health and Human Services, including—

''(i) individual and group-based nutrition education, health promotion, and intervention strategies;

''(ii) comprehensive, multilevel interventions at multiple complementary organizational and institutional levels; and

''(iii) community and public health approaches to improve nutrition.

''(B) CONSULTATION.—In identifying allowable uses of funds under subparagraph (A) and in seeking to strengthen delivery, oversight, and evaluation of nutrition education, the Administrator of the Food and Nutrition Service shall consult with the Director of the Centers for Disease Control and Prevention and outside stakeholders and experts, including—

''(i) representatives of the academic and research communities;

''(ii) nutrition education practitioners;

''(iii) representatives of State and local governments; and

''(iv) community organizations that serve low-income populations.

''(4) NOTIFICATION.—To the maximum extent practicable, State agencies shall notify applicants, participants, and eligible individuals under this Act of the availability of nutrition education and obesity prevention services under this section in local communities.

''(5) COORDINATION.—Subject to the approval of the Secretary, projects carried out with funds received under this section may be coordinated with other health promotion or nutrition improvement strategies, whether public or privately funded, if the projects carried out with funds received under this section remain under the administrative control of the State agency.

''(d) FUNDING.—

''(1) IN GENERAL.—Of funds made available each fiscal year under section 18(a)(1), the Secretary shall reserve for allocation to State agencies to carry out the nutrition education and obesity prevention grant program under this section, to remain available for obligation for a period of 2 fiscal years—

''(A) for fiscal year 2011, $375,000,000; and

''(B) for fiscal year 2012 and each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect any increases for the 12-month period ending the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

''(2) ALLOCATION.—

''(A) INITIAL ALLOCATION.—Of the funds set aside under paragraph (1), as determined by the Secretary—

''(i) for each of fiscal years 2011 through 2013, 100 percent shall be allocated to State agencies in direct proportion to the amount of funding that the State received for carrying out section 11(f) (as that section existed on the day before the date of enactment of this section) during fiscal year 2009, as reported to the Secretary as of February 2010; and

''(ii) subject to a reallocation under subparagraph (B)—

''(I) for fiscal year 2014—

''(aa) 90 percent shall be allocated to State agencies in accordance with clause (i); and

''(bb) 10 percent shall be allocated to State agencies based on the respective share of each State of the number of individuals participating in the supplemental nutrition assistance program during the 12-month period ending the preceding January 31;

''(II) for fiscal year 2015—

''(aa) 80 percent shall be allocated to State agencies in accordance with clause (i); and

''(bb) 20 percent shall be allocated in accordance with subclause (I)(bb);

''(III) for fiscal year 2016—

''(aa) 70 percent shall be allocated to State agencies in accordance with clause (i); and

''(bb) 30 percent shall be allocated in accordance with subclause (I)(bb);

''(IV) for fiscal year 2017—

''(aa) 60 percent shall be allocated to State agencies in accordance with clause (i); and

''(bb) 40 percent shall be allocated in accordance with subclause (I)(bb); and

''(V) for fiscal year 2018 and each fiscal year thereafter—

''(aa) 50 percent shall be allocated to State agencies in accordance with clause (i); and

''(bb) 50 percent shall be allocated in accordance with subclause (I)(bb).

''(B) REALLOCATION.—

''(i) IN GENERAL.—If the Secretary determines that a State agency will not expend all of the funds allocated to the State agency for a fiscal year under paragraph (1) or in the case of a State agency that elects not to receive the entire amount of funds allocated to the State agency for a fiscal year, the Secretary shall reallocate the unexpended funds to other States during the fiscal year or the subsequent fiscal year (as determined by the Secretary) that have approved State plans under which the State agencies may expend the reallocated funds.

''(ii) EFFECT OF ADDITIONAL FUNDS.—

''(I) FUNDS RECEIVED.—Any reallocated funds received by a State agency under clause (i) for a fiscal year shall be considered to be part of the fiscal year 2009 base allocation of funds to the State agency for that fiscal year for purposes of determining allocation under subparagraph (A) for the subsequent fiscal year.

''(II) FUNDS SURRENDERED.—Any funds surrendered by a State agency under clause (i) shall not be considered to be part of the fiscal year 2009 base allocation of funds to a State agency for that fiscal year for purposes of determining allocation under subparagraph (A) for the subsequent fiscal year.

''(3) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

''(A) IN GENERAL.—Grants awarded under this section shall be the only source of Federal financial participation under this Act in nutrition education and obesity prevention.

''(B) EXCLUSION.—Any costs of nutrition education and obesity prevention in excess of the grants authorized under this section shall not be eligible for reimbursement under section 16(a).

''(e) IMPLEMENTATION.—Not later than January 1, 2012, the Secretary shall publish in the Federal Register a description of the requirements for the receipt of a grant under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended in the first sentence by striking ''and, through an approved State plan, nutrition education''.

(2) Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (f).

SEC. 242. PROCUREMENT AND PROCESSING OF FOOD SERVICE PRODUCTS AND COMMODITIES.

Section 9(a)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(4)) is amended by adding at the end the following:

''(C) PROCUREMENT AND PROCESSING OF FOOD SERVICE PRODUCTS AND COMMODITIES.—The Secretary shall—

''(i) identify, develop, and disseminate to State departments of agriculture and education, school food authorities, local educational agencies, and local processing entities, model product specifications and practices for foods offered in school nutrition programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to ensure that the foods reflect the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

''(ii) not later than 1 year after the date of enactment of this subparagraph—

''(I) carry out a study to analyze the quantity and quality of nutritional information available to school food authorities about food service products and commodities; and

''(II) submit to Congress a report on the results of the study that contains such legislative recommendations as the Secretary considers necessary to ensure that school food authorities have access to the nutritional information needed for menu planning and compliance assessments; and

''(iii) to the maximum extent practicable, in purchasing and processing commodities for use in school nutrition programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), purchase the widest variety of healthful foods that reflect the most recent Dietary Guidelines for Americans.''.

SEC. 243. ACCESS TO LOCAL FOODS: FARM TO SCHOOL PROGRAM.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by redesignating subsections (h) and (i) and subsection (j) (as added by section 210) as subsections (i) through (k), respectively;

(2) in subsection (g), by striking ''(g) ACCESS TO LOCAL FOODS AND SCHOOL GARDENS.—'' and all that follows through ''(3) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.— '' and inserting the following:

''(g) ACCESS TO LOCAL FOODS: FARM TO SCHOOL PROGRAM.—

''(1) DEFINITION OF ELIGIBLE SCHOOL.—In this subsection, the term 'eligible school' means a school or institution that participates in a program under this Act or the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

''(2) PROGRAM.—The Secretary shall carry out a program to assist eligible schools, State and local agencies, Indian tribal organizations, agricultural producers or groups of agricultural producers, and nonprofit entities through grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

''(3) GRANTS.—

''(A) IN GENERAL.—The Secretary shall award competitive grants under this subsection to be used for—

''(i) training;

''(ii) supporting operations;

''(iii) planning;

''(iv) purchasing equipment;

''(v) developing school gardens;

''(vi) developing partnerships; and

''(vii) implementing farm to school programs.

''(B) REGIONAL BALANCE.—In making awards under this subsection, the Secretary shall, to the maximum extent practicable, ensure—

''(i) geographical diversity; and

''(ii) equitable treatment of urban, rural, and tribal communities.

''(C) MAXIMUM AMOUNT.—The total amount provided to a grant recipient under this subsection shall not exceed $100,000.

''(4) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of costs for a project funded through a grant awarded under this subsection shall not exceed 75 percent of the total cost of the project.

''(B) FEDERAL MATCHING.—As a condition of receiving a grant under this subsection, a grant recipient shall provide matching support in the form of cash or in-kind contributions, including facilities, equipment, or services provided by State and local governments, nonprofit organizations, and private sources.

''(5) CRITERIA FOR SELECTION.—To the maximum extent practicable, in providing assistance under this subsection, the Secretary shall give the highest priority to funding projects that, as determined by the Secretary—

''(A) make local food products available on the menu of the eligible school;

''(B) serve a high proportion of children who are eligible for free or reduced price lunches;

''(C) incorporate experiential nutrition education activities in curriculum planning that encourage the participation of school children in farm and garden-based agricultural education activities;

''(D) demonstrate collaboration between eligible schools, nongovernmental and community-based organizations, agricultural producer groups, and other community partners;

''(E) include adequate and participatory evaluation plans;

''(F) demonstrate the potential for long-term program sustainability; and

''(G) meet any other criteria that the Secretary determines appropriate.

''(6) EVALUATION.—As a condition of receiving a grant under this subsection, each grant recipient shall agree to cooperate in an evaluation by the Secretary of the program carried out using grant funds.

''(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and information to assist eligible schools, State and local agencies, Indian tribal organizations, and nonprofit entities—

''(A) to facilitate the coordination and sharing of information and resources in the Department that may be applicable to the farm to school program;

''(B) to collect and share information on best practices; and

''(C) to disseminate research and data on existing farm to school programs and the potential for programs in underserved areas.

''(8) FUNDING.—

''(A) IN GENERAL.—On October 1, 2012, and each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $5,000,000, to remain available until expended.

''(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

''(9) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under paragraph (8), there are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2011 through 2015.

''(h) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—

''(1) IN GENERAL.—''; and

(3) in subsection (h) (as redesignated by paragraph (2))—

(A) in subparagraph (F) of paragraph (1) (as so redesignated), by striking ''in accordance with paragraph (1)(H)'' and inserting ''carried out by the Secretary'';

(B) by redesignating paragraph (4) as paragraph (2); and

(C) in paragraph (2) (as so redesignated), by striking ''2009'' and inserting ''2015''.

SEC. 244. RESEARCH ON STRATEGIES TO PROMOTE THE SELECTION AND CONSUMPTION OF HEALTHY FOODS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall establish a research, demonstration, and technical assistance program to promote healthy eating and reduce the prevalence of obesity, among all population groups but especially among children, by applying the principles and insights of behavioral economics research in schools, child care programs, and other settings.

(b) PRIORITIES.—The Secretary shall—

(1) identify and assess the impacts of specific presentation, placement, and other strategies for structuring choices on selection and consumption of healthful foods in a variety of settings, consistent with the most recent version of the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(2) demonstrate and rigorously evaluate behavioral economics-related interventions that hold promise to improve diets and promote health, including through demonstration projects that may include evaluation of the use of portion size, labeling, convenience, and other strategies to encourage healthy choices; and

(3) encourage adoption of the most effective strategies through outreach and technical assistance.

(c) AUTHORITY.—In carrying out the program under subsection (a), the Secretary may—

(1) enter into competitively awarded contracts or cooperative agreements; or

(2) provide grants to States or public or private agencies or organizations, as determined by the Secretary.

(d) APPLICATION.—To be eligible to enter into a contract or cooperative agreement or receive a grant under this section, a State or public or private agency or organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) COORDINATION.—The solicitation and evaluation of contracts, cooperative agreements, and grant proposals considered under this section shall be coordinated with the Food and Nutrition Service as appropriate to ensure that funded projects are consistent with the operations of Federally supported nutrition assistance programs and related laws (including regulations).

(f) ANNUAL REPORTS.—Not later than 90 days after the end of each fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

(1) the policies, priorities, and operations of the program carried out by the Secretary under this section during the fiscal year;

(2) the results of any evaluations completed during the fiscal year; and

(3) the efforts undertaken to disseminate successful practices through outreach and technical assistance.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2011 through 2015.

(2) USE OF FUNDS.—The Secretary may use up to 5 percent of the funds made available under paragraph (1) for Federal administrative expenses incurred in carrying out this section.

TITLE III—IMPROVING THE MANAGEMENT AND INTEGRITY OF CHILD NUTRITION PROGRAMS

Subtitle A—National School Lunch Program

SEC. 301. PRIVACY PROTECTION.

Section 9(d)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(1)) is amended—

(1) in the first sentence, by inserting ''the last 4 digits of'' before ''the social security account number''; and

(2) by striking the second sentence.

SEC. 302. APPLICABILITY OF FOOD SAFETY PROGRAM ON ENTIRE SCHOOL CAMPUS.

Section 9(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(5)) is amended—

(1) by striking ''Each school food'' and inserting the following:

''(A) IN GENERAL.—Each school food''; and

(2) by adding at the end the following:

''(B) APPLICABILITY.—Subparagraph (A) shall apply to any facility or part of a facility in which food is stored, prepared, or served for the purposes of the school nutrition programs under this Act or section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).''.

SEC. 303. FINES FOR VIOLATING PROGRAM REQUIREMENTS.

Section 22 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c) is amended by adding at the end the following:

''(e) FINES FOR VIOLATING PROGRAM REQUIREMENTS.—

''(1) SCHOOL FOOD AUTHORITIES AND SCHOOLS.—

''(A) IN GENERAL.—The Secretary shall establish criteria by which the Secretary or a State agency may impose a fine against any school food authority or school administering a program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) if the Secretary or the State agency determines that the school food authority or school has—

''(i) failed to correct severe mismanagement of the program;

''(ii) disregarded a program requirement of which the school food authority or school had been informed; or

''(iii) failed to correct repeated violations of program requirements.

''(B) LIMITS.—

''(i) IN GENERAL.—In calculating the fine for a school food authority or school, the Secretary shall base the amount of the fine on the reimbursement earned by school food authority or school for the program in which the violation occurred.

''(ii) AMOUNT.—The amount under clause (i) shall not exceed—

''(I) 1 percent of the amount of meal reimbursements earned for the fiscal year for the first finding of 1 or more program violations under subparagraph (A);

''(II) 5 percent of the amount of meal reimbursements earned for the fiscal year for the second finding of 1 or more program violations under subparagraph (A); and

''(III) 10 percent of the amount of meal reimbursements earned for the fiscal year for the third or subsequent finding of 1 or more program violations under subparagraph (A).

''(2) STATE AGENCIES.—

''(A) IN GENERAL.—The Secretary shall establish criteria by which the Secretary may impose a fine against any State agency administering a program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) if the Secretary determines that the State agency has—

''(i) failed to correct severe mismanagement of the program;

''(ii) disregarded a program requirement of which the State had been informed; or

''(iii) failed to correct repeated violations of program requirements.

''(B) LIMITS.—In the case of a State agency, the amount of a fine under subparagraph (A) shall not exceed—

''(i) 1 percent of funds made available under section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) for State administrative expenses during a fiscal year for the first finding of 1 or more program violations under subparagraph (A);

''(ii) 5 percent of funds made available under section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) for State administrative expenses during a fiscal year for the second finding of 1 or more program violations under subparagraph (A); and

''(iii) 10 percent of funds made available under section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) for State administrative expenses during a fiscal year for the third or subsequent finding of 1 or more program violations under subparagraph (A).

''(3) SOURCE OF FUNDING.—Funds to pay a fine imposed under paragraph (1) or (2) shall be derived from non-Federal sources.''.

SEC. 304. INDEPENDENT REVIEW OF APPLICATIONS.

Section 22(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(b)) is amended by adding at the end the following:

''(6) ELIGIBILITY DETERMINATION REVIEW FOR SELECTED LOCAL EDUCATIONAL AGENCIES.—

''(A) IN GENERAL.—A local educational agency that has demonstrated a high level of, or a high risk for, administrative error associated with certification, verification, and other administrative processes, as determined by the Secretary, shall ensure that the initial eligibility determination for each application is reviewed for accuracy prior to notifying a household of the eligibility or ineligibility of the household for free or reduced price meals.

''(B) TIMELINESS.—The review of initial eligibility determinations—

''(i) shall be completed in a timely manner; and

''(ii) shall not result in the delay of an eligibility determination for more than 10 operating days after the date on which the application is submitted.

''(C) ACCEPTABLE TYPES OF REVIEW.—Subject to standards established by the Secretary, the system used to review eligibility determinations for accuracy shall be conducted by an individual or entity that did

not make the initial eligibility determination.

''(D) NOTIFICATION OF HOUSEHOLD.—Once the review of an eligibility determination has been completed under this paragraph, the household shall be notified immediately of the determination of eligibility or ineligibility for free or reduced price meals.

''(E) REPORTING.—

''(i) LOCAL EDUCATIONAL AGENCIES.—In accordance with procedures established by the Secretary, each local educational agency required to review initial eligibility determinations shall submit to the relevant State agency a report describing the results of the reviews, including—

''(I) the number and percentage of reviewed applications for which the eligibility determination was changed and the type of change made; and

''(II) such other information as the Secretary determines to be necessary.

''(ii) STATE AGENCIES.—In accordance with procedures established by the Secretary, each State agency shall submit to the Secretary a report describing the results of the reviews of initial eligibility determinations, including—

''(I) the number and percentage of reviewed applications for which the eligibility determination was changed and the type of change made; and

''(II) such other information as the Secretary determines to be necessary.

''(iii) TRANSPARENCY.—The Secretary shall publish annually the results of the reviews of initial eligibility determinations by State, number, percentage, and type of error.''.

SEC. 305. PROGRAM EVALUATION.

Section 28 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769i) is amended by adding at the end the following:

''(c) COOPERATION WITH PROGRAM RESEARCH AND EVALUATION.—States, State educational agencies, local educational agencies, schools, institutions, facilities, and contractors participating in programs authorized under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall cooperate with officials and contractors acting on behalf of the Secretary, in the conduct of evaluations and studies under those Acts.''.

SEC. 306. PROFESSIONAL STANDARDS FOR SCHOOL FOOD SERVICE.

Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended by striking subsection (g) and inserting the following:

''(g) PROFESSIONAL STANDARDS FOR SCHOOL FOOD SERVICE.—

''(1) CRITERIA FOR SCHOOL FOOD SERVICE AND STATE AGENCY DIRECTORS.—

''(A) SCHOOL FOOD SERVICE DIRECTORS.—

''(i) IN GENERAL.—The Secretary shall establish a program of required education, training, and certification for all school food service directors responsible for the management of a school food authority.

''(ii) REQUIREMENTS.—The program shall include—

''(I) minimum educational requirements necessary to successfully manage the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act;

''(II) minimum program training and certification criteria for school food service directors; and

''(III) minimum periodic training criteria to maintain school food service director certification.

''(B) SCHOOL NUTRITION STATE AGENCY DIRECTORS.—The Secretary shall establish criteria and standards for States to use in the selection of State agency directors with responsibility for the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act.

''(C) TRAINING PROGRAM PARTNERSHIP.—The Secretary may provide financial and other assistance to 1 or more professional food service management organizations—

''(i) to establish and manage the program under this paragraph; and

''(ii) to develop voluntary training and certification programs for other school food service workers.

''(D) REQUIRED DATE OF COMPLIANCE.—

''(i) SCHOOL FOOD SERVICE DIRECTORS.—The Secretary shall establish a date by which all school food service directors whose local educational agencies are participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act shall be required to comply with the education, training, and certification criteria established in accordance with subparagraph (A).

''(ii) SCHOOL NUTRITION STATE AGENCY DIRECTORS.—The Secretary shall establish a date by which all State agencies shall be required to comply with criteria and standards established in accordance with subparagraph (B) for the selection of State agency directors with responsibility for the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act.

''(2) TRAINING AND CERTIFICATION OF FOOD SERVICE PERSONNEL.—

''(A) TRAINING FOR INDIVIDUALS CONDUCTING OR OVERSEEING ADMINISTRATIVE PROCEDURES.—

''(i) IN GENERAL.—At least annually, each State shall provide training in administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures) to local educational agency and school food authority personnel and other appropriate personnel.

''(ii) FEDERAL ROLE.—The Secretary shall—

''(I) provide training and technical assistance described in clause (i) to the State; or

''(II) at the option of the Secretary, directly provide training and technical assistance described in clause (i).

''(iii) REQUIRED PARTICIPATION.—In accordance with procedures established by the Secretary, each local educational agency or school food authority shall ensure that an individual conducting or overseeing administrative procedures described in clause (i) receives training at least annually, unless determined otherwise by the Secretary.

''(B) TRAINING AND CERTIFICATION OF ALL LOCAL FOOD SERVICE PERSONNEL.—

''(i) IN GENERAL.—The Secretary shall provide training designed to improve—

''(I) the accuracy of approvals for free and reduced price meals; and

''(II) the identification of reimbursable meals at the point of service.

''(ii) CERTIFICATION OF LOCAL PERSONNEL.—In accordance with criteria established by the Secretary, local food service personnel shall complete annual training and receive annual certification—

''(I) to ensure program compliance and integrity; and

''(II) to demonstrate competence in the training provided under clause (i).

''(iii) TRAINING MODULES.—In addition to the topics described in clause (i), a training program carried out under this subparagraph shall include training modules on—

''(I) nutrition;

''(II) health and food safety standards and methodologies; and

''(III) any other appropriate topics, as determined by the Secretary.

''(3) FUNDING.—

''(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection, to remain available until expended—

''(i) on October 1, 2010, $5,000,000; and

''(ii) on each October 1 thereafter, $1,000,000.

''(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.''.

SEC. 307. INDIRECT COSTS.

(a) GUIDANCE ON INDIRECT COSTS RULES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidance to school food authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) covering program rules pertaining to indirect costs, including allowable indirect costs that may be charged to the nonprofit school food service account.

(b) INDIRECT COST STUDY.—The Secretary shall—

(1) conduct a study to assess the extent to which school food authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) pay indirect costs, including assessments of—

(A) the allocation of indirect costs to, and the methodologies used to establish indirect cost rates for, school food authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(B) the impact of indirect costs charged to the nonprofit school food service account;

(C) the types and amounts of indirect costs charged and recovered by school districts;

(D) whether the indirect costs charged or recovered are consistent with requirements for the allocation of indirect costs and school food service operations; and

(E) the types and amounts of indirect costs that could be charged or recovered under requirements for the allocation of indirect costs and school food service operations but are not charged or recovered; and

(2) after completing the study required under paragraph (1), issue additional guidance relating to the types of costs that are reasonable and necessary to provide meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(c) REGULATIONS.—After conducting the study under subsection (b)(1) and identifying costs under subsection (b)(2), the Secretary may promulgate regulations to address—

(1) any identified deficiencies in the allocation of indirect costs; and

(2) the authority of school food authorities to reimburse only those costs identified by the Secretary as reasonable and necessary under subsection (b)(2).

(d) REPORT.—Not later than October 1, 2013, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study under subsection (b).

(e) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $2,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

SEC. 308. ENSURING SAFETY OF SCHOOL MEALS.

The Richard B. Russell National School Lunch Act is amended by after section 28 (42 U.S.C. 1769i) the following:

"SEC. 29. ENSURING SAFETY OF SCHOOL MEALS.

''(a) FOOD AND NUTRITION SERVICE.—Not later than 1 year after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall—

''(1) in consultation with the Administrator of the Agricultural Marketing Service and the Administrator of the Farm Service Agency, develop guidelines to determine the circumstances under which it is appropriate for the Secretary to institute an administrative hold on suspect foods purchased by the Secretary that are being used in school meal programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

''(2) work with States to explore ways for the States to increase the timeliness of notification of food recalls to schools and school food authorities;

''(3) improve the timeliness and completeness of direct communication between the Food and Nutrition Service and States about holds and recalls, such as through the commodity alert system of the Food and Nutrition Service; and

''(4) establish a timeframe to improve the commodity hold and recall procedures of the Department of Agriculture to address the role of processors and determine the involvement of distributors with processed products that may contain recalled ingredients, to facilitate the provision of more timely and complete information to schools.

''(b) FOOD SAFETY AND INSPECTION SERVICE.—Not later than 1 year after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary, acting through the Administrator of the Food Safety and Inspection Service, shall revise the procedures of the Food Safety and Inspection Service to ensure that schools are included in effectiveness checks.''.

Subtitle B—Summer Food Service Program

SEC. 321. SUMMER FOOD SERVICE PROGRAM PERMANENT OPERATING AGREEMENTS.

Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended by striking paragraph (3) and inserting the following:

''(3) PERMANENT OPERATING AGREEMENTS AND BUDGET FOR ADMINISTRATIVE COSTS.—

''(A) PERMANENT OPERATING AGREEMENTS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), to participate in the program, a service institution that meets the conditions of eligibility described in this section and in regulations promulgated by the Secretary, shall be required to enter into a permanent agreement with the applicable State agency.

''(ii) AMENDMENTS.—A permanent agreement described in clause (i) may be amended as necessary to ensure that the service institution is in compliance with all requirements established in this section or by the Secretary.

''(iii) TERMINATION.—A permanent agreement described in clause (i)—

''(I) may be terminated for convenience by the service institution and State agency that is a party to the permanent agreement; and

''(II) shall be terminated—

''(aa) for cause by the applicable State agency in accordance with subsection (q) and with regulations promulgated by the Secretary; or

''(bb) on termination of participation of the service institution in the program.

''(B) BUDGET FOR ADMINISTRATIVE COSTS.—

''(i) IN GENERAL.—When applying for participation in the program, and not less frequently than annually thereafter, each service institution shall submit a complete budget for administrative costs related to the program, which shall be subject to approval by the State.

''(ii) AMOUNT.—Payment to service institutions for administrative costs shall equal the levels determined by the Secretary pursuant to the study required in paragraph (4).''.

SEC. 322. SUMMER FOOD SERVICE PROGRAM DISQUALIFICATION.

Section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) is amended—

(1) by redesignating subsection (q) as subsection (r); and

(2) by inserting after subsection (p) the following:

''(q) TERMINATION AND DISQUALIFICATION OF PARTICIPATING ORGANIZATIONS.—

''(1) IN GENERAL.—Each State agency shall follow the procedures established by the Secretary for the termination of participation of institutions under the program.

''(2) FAIR HEARING.—The procedures described in paragraph (1) shall include provision for a fair hearing and prompt determination for any service institution aggrieved by any action of the State agency that affects—

''(A) the participation of the service institution in the program; or

''(B) the claim of the service institution for reimbursement under this section.

''(3) LIST OF DISQUALIFIED INSTITUTIONS AND INDIVIDUALS.—

''(A) IN GENERAL.—The Secretary shall maintain a list of service institutions and individuals that have been terminated or otherwise disqualified from participation in the program under the procedures established pursuant to paragraph (1).

''(B) AVAILABILITY.—The Secretary shall make the list available to States for use in approving or renewing applications by service institutions for participation in the program.''.

Subtitle C—Child and Adult Care Food Program

SEC. 331. RENEWAL OF APPLICATION MATERIALS AND PERMANENT OPERATING AGREEMENTS.

(a) PERMANENT OPERATING AGREEMENTS.—Section 17(d)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)(1)) is amended by adding at the end the following:

''(E) PERMANENT OPERATING AGREEMENTS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), to participate in the child and adult care food program, an institution that meets the conditions of eligibility described in this subsection shall be required to enter into a permanent agreement with the applicable State agency.

''(ii) AMENDMENTS.—A permanent agreement described in clause (i) may be amended as necessary to ensure that the institution is in compliance with all requirements established in this section or by the Secretary.

''(iii) TERMINATION.—A permanent agreement described in clause (i)—

''(I) may be terminated for convenience by the institution or State agency that is a party to the permanent agreement; and

''(II) shall be terminated—

''(aa) for cause by the applicable State agency in accordance with paragraph (5); or

''(bb) on termination of participation of the institution in the child and adult care food program.''.

(b) APPLICATIONS AND REVIEWS.—Section 17(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)) is amended by striking paragraph (2) and inserting the following:

''(2) PROGRAM APPLICATIONS.—

''(A) IN GENERAL.—The Secretary shall develop a policy under which each institution providing child care that participates in the program under this section shall—

''(i) submit to the State agency an initial application to participate in the program that meets all requirements established by the Secretary by regulation;

''(ii) annually confirm to the State agency that the institution, and any facilities of the institution in which the program is operated by a sponsoring organization, is in compliance with subsection (a)(5); and

''(iii) annually submit to the State agency any additional information necessary to confirm that the institution is in compliance with all other requirements to participate in the program, as established in this Act and by the Secretary by regulation.

''(B) REQUIRED REVIEWS OF SPONSORED FACILITIES.—

''(i) IN GENERAL.—The Secretary shall develop a policy under which each sponsoring organization participating in the program under this section shall conduct—

''(I) periodic unannounced site visits at not less than 3-year intervals to sponsored child and adult care centers and family or group day care homes to identify and prevent management deficiencies and fraud and abuse under the program; and

''(II) at least 1 scheduled site visit each year to sponsored child and adult care centers and family or group day care homes to identify and prevent management deficiencies and fraud and abuse under the program and to improve program operations.

''(ii) VARIED TIMING.—Sponsoring organizations shall vary the timing of unannounced reviews under clause (i)(I) in a manner that makes the reviews unpredictable to sponsored facilities.

''(C) REQUIRED REVIEWS OF INSTITUTIONS.—The Secretary shall develop a policy under which each State agency shall conduct—

''(i) at least 1 scheduled site visit at not less than 3-year intervals to each institution under the State agency participating in the program under this section—

''(I) to identify and prevent management deficiencies and fraud and abuse under the program; and

''(II) to improve program operations; and

''(ii) more frequent reviews of any institution that—

''(I) sponsors a significant share of the facilities participating in the program;

''(II) conducts activities other than the program authorized under this section;

''(III) has serious management problems, as identified in a prior review, or is at risk of having serious management problems; or

''(IV) meets such other criteria as are defined by the Secretary.

''(D) DETECTION AND DETERRENCE OF ERRONEOUS PAYMENTS AND FALSE CLAIMS.—

''(i) IN GENERAL.—The Secretary may develop a policy to detect and deter, and recover erroneous payments to, and false claims submitted by, institutions, sponsored child and adult care centers, and family or group day care homes participating in the program under this section.

''(ii) BLOCK CLAIMS.—

''(I) DEFINITION OF BLOCK CLAIM.—In this clause, the term 'block claim' has the meaning given the term in section 226.2 of title 7, Code of Federal Regulations (or successor regulations).

''(II) PROGRAM EDIT CHECKS.—The Secretary may not require any State agency, sponsoring organization, or other institution to perform edit checks or on-site reviews relating to the detection of block claims by any child care facility.

''(III) ALLOWANCE.—Notwithstanding subclause (II), the Secretary may require any State agency, sponsoring organization, or other institution to collect, store, and transmit to the appropriate entity information necessary to develop any other policy developed under clause (i).''.

(c) AGREEMENTS.—Section 17(j)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(j)(1)) is amended—

(1) by striking ''may'' and inserting ''shall'';

(2) by striking ''family or group day care'' the first place it appears; and

(3) by inserting ''or sponsored day care centers'' before ''participating''.

SEC. 332. STATE LIABILITY FOR PAYMENTS TO AGGRIEVED CHILD CARE INSTITUTIONS.

Section 17(e) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(e)) is amended—

(1) in paragraph (3), by striking ''(3) If a State'' and inserting the following:

''(5) SECRETARIAL HEARING.—If a State''; and

(2) by striking ''(e) Except as provided'' and all that follows through ''(2) A State'' and inserting the following:

''(e) HEARINGS.—

''(1) IN GENERAL.—Except as provided in paragraph (4), each State agency shall provide, in accordance with regulations promulgated by the Secretary, an opportunity for a fair hearing and a prompt determination to any institution aggrieved by any action of the State agency that affects—

''(A) the participation of the institution in the program authorized by this section; or

''(B) the claim of the institution for reimbursement under this section.

''(2) REIMBURSEMENT.—In accordance with paragraph (3), a State agency that fails to meet timeframes for providing an opportunity for a fair hearing and a prompt determination to any institution under paragraph (1) in accordance with regulations promulgated by the Secretary, shall pay, from non-Federal sources, all valid claims for reimbursement to the institution and the facilities of the institution during the period beginning on the day after the end of any regulatory deadline for providing the opportunity and making the determination and ending on the date on which a hearing determination is made.

''(3) NOTICE TO STATE AGENCY.—The Secretary shall provide written notice to a State agency at least 30 days prior to imposing any liability for reimbursement under paragraph (2).

''(4) FEDERAL AUDIT DETERMINATION.—A State''.

SEC. 333. TRANSMISSION OF INCOME INFORMATION BY SPONSORED FAMILY OR GROUP DAY CARE HOMES.

Section 17(f)(3)(A)(iii)(III) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(A)(iii)(III)) is amended by adding at the end the following:

''(dd) TRANSMISSION OF INCOME INFORMATION BY SPONSORED FAMILY OR GROUP DAY CARE HOMES.—If a family or group day care home elects to be provided reimbursement factors described in subclause (II), the family or group day care home may assist in the transmission of necessary household income information to the family or group day care home sponsoring organization in accordance with the policy described in item (ee).

''(ee) POLICY.—The Secretary shall develop a policy under which a sponsored family or group day care home described in item (dd) may, under terms and conditions specified by the Secretary and with the written consent of the parents or guardians of a child in a family or group day care home participating in the program, assist in the transmission of the income information of the family to the family or group day care home sponsoring organization.''.

SEC. 334. SIMPLIFYING AND ENHANCING ADMINISTRATIVE PAYMENTS TO SPONSORING ORGANIZATIONS.

Section 17(f)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)) is amended by striking subparagraph (B) and inserting the following:

''(B) ADMINISTRATIVE FUNDS.—

''(i) IN GENERAL.—In addition to reimbursement factors described in subparagraph (A), a family or group day care home sponsoring organization shall receive reimbursement for the administrative expenses of the sponsoring organization in an amount that is not less than the product obtained each month by multiplying—

''(I) the number of family and group day care homes of the sponsoring organization submitting a claim for reimbursement during the month; by

''(II) the appropriate administrative rate determined by the Secretary.

''(ii) ANNUAL ADJUSTMENT.—The administrative reimbursement levels specified in clause (i) shall be adjusted July 1 of each year to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor for the most recent 12-month period for which such data are available.

''(iii) CARRYOVER FUNDS.—The Secretary shall develop procedures under which not more than 10 percent of the amount made available to sponsoring organizations under this section for administrative expenses for a fiscal year may remain available for obligation or expenditure in the succeeding fiscal year.''.

SEC. 335. CHILD AND ADULT CARE FOOD PROGRAM AUDIT FUNDING.

Section 17(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(i)) is amended by striking paragraph (2) and inserting the following:

''(2) FUNDING.—

''(A) IN GENERAL.—The Secretary shall make available for each fiscal year to each State agency administering the child and adult care food program, for the purpose of conducting audits of participating institutions, an amount of up to 1.5 percent of the funds used by each State in the program under this section, during the second preceding fiscal year.

''(B) ADDITIONAL FUNDING.—

''(i) IN GENERAL.—Subject to clause (ii), for fiscal year 2016 and each fiscal year thereafter, the Secretary may increase the amount of funds made available to any State agency under subparagraph (A), if the State agency demonstrates that the State agency can effectively use the funds to improve program management under criteria established by the Secretary.

''(ii) LIMITATION.—The total amount of funds made available to any State agency under this paragraph shall not exceed 2 percent of the funds used by each State agency in the program under this section, during the second preceding fiscal year.''.

SEC. 336. REDUCING PAPERWORK AND IMPROVING PROGRAM ADMINISTRATION.

(a) DEFINITION OF PROGRAM.—In this section, the term ''program'' means the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766).

(b) ESTABLISHMENT.—The Secretary, in conjunction with States and participating institutions, shall continue to examine the feasibility of reducing unnecessary or duplicative paperwork resulting from regulations and recordkeeping requirements for State agencies, institutions, family and group day care homes, and sponsored centers participating in the program.

(c) DUTIES.—At a minimum, the examination shall include—

(1) review and evaluation of the recommendations, guidance, and regulatory priorities developed and issued to comply with section 119(i) of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1766 note; Public Law 108–265); and

(2) examination of additional paperwork and administrative requirements that have been established since February 23, 2007, that could be reduced or simplified.

(d) ADDITIONAL DUTIES.—The Secretary, in conjunction with States and institutions participating in the program, may also examine any aspect of administration of the program.

(e) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the actions that have been taken to carry out this section, including—

(1) actions taken to address administrative and paperwork burdens identified as a result of compliance with section 119(i) of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1766 note; Public Law 108–265);

(2) administrative and paperwork burdens identified as a result of compliance with section 119(i) of that Act for which no regulatory action or policy guidance has been taken;

(3) additional steps that the Secretary is taking or plans to take to address any administrative and paperwork burdens identified under subsection (c)(2) and paragraph (2), including—

(A) new or updated regulations, policy, guidance, or technical assistance; and

(B) a timeframe for the completion of those steps; and

(4) recommendations to Congress for modifications to existing statutory authorities needed to address identified administrative and paperwork burdens.

SEC. 337. STUDY RELATING TO THE CHILD AND ADULT CARE FOOD PROGRAM.

(a) STUDY.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall carry out a study of States participating in an afterschool supper program under the child and adult care food program established under section 17(r) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress, and make available on the website of the Food and Nutrition Service, a report that describes—

(1) best practices of States in soliciting sponsors for an afterschool supper program described in subsection (a); and

(2) any Federal or State laws or requirements that may be a barrier to participation in the program.

Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

SEC. 351. SHARING OF MATERIALS WITH OTHER PROGRAMS.

Section 17(e)(3) of the Child Nutrition Act (42 U.S.C. 1786(e)(3)) is amended by striking

subparagraph (B) and inserting the following:

''(B) SHARING OF MATERIALS WITH OTHER PROGRAMS.—

''(i) COMMODITY SUPPLEMENTAL FOOD PROGRAM.—The Secretary may provide, in bulk quantity, nutrition education materials (including materials promoting breastfeeding) developed with funds made available for the program authorized under this section to State agencies administering the commodity supplemental food program established under section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) at no cost to that program.

''(ii) CHILD AND ADULT CARE FOOD PROGRAM.—A State agency may allow the local agencies or clinics under the State agency to share nutrition educational materials with institutions participating in the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) at no cost to that program, if a written materials sharing agreement exists between the relevant agencies.''.

SEC. 352. WIC PROGRAM MANAGEMENT.

(a) WIC EVALUATION FUNDS.—Section 17(g)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5)) is amended by striking ''$5,000,000'' and inserting ''$15,000,000''.

(b) WIC REBATE PAYMENTS.—Section 17(h)(8) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following:

''(K) REPORTING.—Effective beginning October 1, 2011, each State agency shall report rebate payments received from manufacturers in the month in which the payments are received, rather than in the month in which the payments were earned.''.

(c) COST CONTAINMENT MEASURE.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended—

(1) in paragraph (8)(A)(iv)(III), by striking ''Any'' and inserting ''Except as provided in paragraph (9)(B)(i)(II), any''; and

(2) by striking paragraph (9) and inserting the following:

''(9) COST CONTAINMENT MEASURE.—

''(A) DEFINITION OF COST CONTAINMENT MEASURE.—In this subsection, the term 'cost containment measure' means a competitive bidding, rebate, direct distribution, or home delivery system implemented by a State agency as described in the approved State plan of operation and administration of the State agency.

''(B) SOLICITATION AND REBATE BILLING REQUIREMENTS.—Any State agency instituting a cost containment measure for any authorized food, including infant formula, shall—

''(i) in the bid solicitation—

''(I) identify the composition of State alliances for the purposes of a cost containment measure; and

''(II) verify that no additional States shall be added to the State alliance between the date of the bid solicitation and the end of the contract;

''(ii) have a system to ensure that rebate invoices under competitive bidding provide a reasonable estimate or an actual count of the number of units sold to participants in the program under this section;

''(iii) open and read aloud all bids at a public proceeding on the day on which the bids are due; and

''(iv) unless otherwise exempted by the Secretary, provide a minimum of 30 days between the publication of the solicitation and the date on which the bids are due.

''(C) STATE ALLIANCES FOR AUTHORIZED FOODS OTHER THAN INFANT FORMULA.—Program requirements relating to the size of State alliances under paragraph (8)(A)(iv) shall apply to cost containment measures established for any authorized food under this section.''.

(d) ELECTRONIC BENEFIT TRANSFER.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (12) and inserting the following:

''(12) ELECTRONIC BENEFIT TRANSFER.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ELECTRONIC BENEFIT TRANSFER.—The term 'electronic benefit transfer' means a food delivery system that provides benefits using a card or other access device approved by the Secretary that permits electronic access to program benefits.

''(ii) PROGRAM.—The term 'program' means the special supplemental nutrition program established by this section.

''(B) REQUIREMENTS.—

''(i) IN GENERAL.—Not later than October 1, 2020, each State agency shall be required to implement electronic benefit transfer systems throughout the State, unless the Secretary grants an exemption under subparagraph (C) for a State agency that is facing unusual barriers to implement an electronic benefit transfer system.

''(ii) RESPONSIBILITY.—The State agency shall be responsible for the coordination and management of the electronic benefit transfer system of the agency.

''(C) EXEMPTIONS.—

''(i) IN GENERAL.—To be eligible for an exemption from the statewide implementation requirements of subparagraph (B)(i), a State agency shall demonstrate to the satisfaction of the Secretary 1 or more of the following:

''(I) There are unusual technological barriers to implementation.

''(II) Operational costs are not affordable within the nutrition services and administration grant of the State agency.

''(III) It is in the best interest of the program to grant the exemption.

''(ii) SPECIFIC DATE.—A State agency requesting an exemption under clause (i) shall specify a date by which the State agency anticipates statewide implementation described in subparagraph (B)(i).

''(D) REPORTING.—

''(i) IN GENERAL.—Each State agency shall submit to the Secretary electronic benefit transfer project status reports to demonstrate the progress of the State toward statewide implementation.

''(ii) CONSULTATION.—If a State agency plans to incorporate additional programs in the electronic benefit transfer system of the State, the State agency shall consult with the State agency officials responsible for administering the programs prior to submitting the planning documents to the Secretary for approval.

''(iii) REQUIREMENTS.—At a minimum, a status report submitted under clause (i) shall contain—

''(I) an annual outline of the electronic benefit transfer implementation goals and objectives of the State;

''(II) appropriate updates in accordance with approval requirements for active electronic benefit transfer State agencies; and

''(III) such other information as the Secretary may require.

''(E) IMPOSITION OF COSTS ON VENDORS.—

''(i) COST PROHIBITION.—Except as otherwise provided in this paragraph, the Secretary may not impose, or allow a State agency to impose, the costs of any equipment or system required for electronic benefit transfers on any authorized vendor in order to transact electronic benefit transfers if the vendor equipment or system is used solely to support the program.

''(ii) COST-SHARING.—The Secretary shall establish criteria for cost-sharing by State agencies and vendors of costs associated with any equipment or system that is not solely dedicated to transacting electronic benefit transfers for the program.

''(iii) FEES.—

''(I) IN GENERAL.—A vendor that elects to accept electronic benefit transfers using multifunction equipment shall pay commercial transaction processing costs and fees imposed by a third-party processor that the vendor elects to use to connect to the electronic benefit transfer system of the State.

''(II) INTERCHANGE FEES.—No interchange fees shall apply to electronic benefit transfer transactions under this paragraph.

''(iv) STATEWIDE OPERATIONS.—After completion of statewide expansion of a system for transaction of electronic benefit transfers—

''(I) a State agency may not be required to incur ongoing maintenance costs for vendors using multifunction systems and equipment to support electronic benefit transfers; and

''(II) any retail store in the State that applies for authorization to become a program vendor shall be required to demonstrate the capability to accept program benefits electronically prior to authorization, unless the State agency determines that the vendor is necessary for participant access.

''(F) MINIMUM LANE COVERAGE.—

''(i) IN GENERAL.—The Secretary shall establish minimum lane coverage guidelines for vendor equipment and systems used to support electronic benefit transfers.

''(ii) PROVISION OF EQUIPMENT.—If a vendor does not elect to accept electronic benefit transfers using its own multifunction equipment, the State agency shall provide such equipment as is necessary to solely support the program to meet the established minimum lane coverage guidelines.

''(G) TECHNICAL STANDARDS.—The Secretary shall—

''(i) establish technical standards and operating rules for electronic benefit transfer systems; and

''(ii) require each State agency, contractor, and authorized vendor participating in the program to demonstrate compliance with the technical standards and operating rules.''.

(e) UNIVERSAL PRODUCT CODES DATABASE.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (13) and inserting the following:

''(13) UNIVERSAL PRODUCT CODES DATABASE.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary shall establish a national universal product code database to be used by all State agencies in carrying out the requirements of paragraph (12).

''(B) FUNDING.—

''(i) IN GENERAL.—On October 1, 2010, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this paragraph $1,000,000, to remain available until expended.

''(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.

''(iii) USE OF FUNDS.—The Secretary shall use the funds provided under clause (i) for development, hosting, hardware and software configuration, and support of the database required under subparagraph (A).''.

(f) TEMPORARY SPENDING AUTHORITY.—Section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)) is amended by adding at the end the following:

''(8) TEMPORARY SPENDING AUTHORITY.—During each of fiscal years 2012 and 2013, the Secretary may authorize a State agency to

expend more than the amount otherwise authorized under paragraph (3)(C) for expenses incurred under this section for supplemental foods during the preceding fiscal year, if the Secretary determines that—

''(A) there has been a significant reduction in reported infant formula cost containment savings for the preceding fiscal year due to the implementation of subsection (h)(8)(K); and

''(B) the reduction would affect the ability of the State agency to serve all eligible participants.''.

Subtitle E—Miscellaneous

SEC. 361. FULL USE OF FEDERAL FUNDS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (b) and inserting the following:

''(b) AGREEMENTS.—

''(1) IN GENERAL.—The Secretary shall incorporate, in the agreement of the Secretary with the State agencies administering programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), the express requirements with respect to the operation of the programs to the extent applicable and such other provisions as in the opinion of the Secretary are reasonably necessary or appropriate to effectuate the purposes of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(2) EXPECTATIONS FOR USE OF FUNDS.—Agreements described in paragraph (1) shall include a provision that—

''(A) supports full use of Federal funds provided to State agencies for the administration of programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

''(B) excludes the Federal funds from State budget restrictions or limitations including, at a minimum—

''(i) hiring freezes;

''(ii) work furloughs; and

''(iii) travel restrictions.''.

SEC. 362. DISQUALIFIED SCHOOLS, INSTITUTIONS, AND INDIVIDUALS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) (as amended by section 206) is amended by adding at the end the following:

''(r) DISQUALIFIED SCHOOLS, INSTITUTIONS, AND INDIVIDUALS.—Any school, institution, service institution, facility, or individual that has been terminated from any program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and is on a list of disqualified institutions and individuals under section 13 or section 17(d)(5)(E) of this Act may not be approved to participate in or administer any program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).''.

TITLE IV—MISCELLANEOUS

Subtitle A—Reauthorization of Expiring Provisions

PART I—RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

SEC. 401. COMMODITY SUPPORT.

Section 6(e)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2020''.

SEC. 402. FOOD SAFETY AUDITS AND REPORTS BY STATES.

Section 9(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)) is amended—

(1) in paragraph (3), by striking ''2006 through 2010'' and inserting ''2011 through 2015''; and

(2) in paragraph (4), by striking ''2006 through 2010'' and inserting ''2011 through 2015''.

SEC. 403. PROCUREMENT TRAINING.

Section 12(m)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(m)(4)) is amended by striking ''2005 through 2009'' and inserting ''2010 through 2015''.

SEC. 404. AUTHORIZATION OF THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

Subsection (r) of section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) (as redesignated by section 322(1)) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2015''.

SEC. 405. YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.

Subsection (i)(5) of section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) (as redesignated by section 243(1)) is amended by striking ''2005 through 2010'' and inserting ''2011 through 2015''.

SEC. 406. TRAINING, TECHNICAL ASSISTANCE, AND FOOD SERVICE MANAGEMENT INSTITUTE.

Section 21(e) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(e)) is amended—

(1) by striking ''(e) AUTHORIZATION OF APPROPRIATIONS'' and all that follows through the end of paragraph (2)(A) and inserting the following:

''(e) FOOD SERVICE MANAGEMENT INSTITUTE.—

''(1) FUNDING.—

''(A) IN GENERAL.—In addition to any amounts otherwise made available for fiscal year 2011, on October 1, 2010, and each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out subsection (a)(2) $5,000,000, to remain available until expended.

''(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subsection (a)(2) the funds transferred under subparagraph (A), without further appropriation.'';

(2) by redesignating subparagraphs (B) and (C) as paragraphs (2) and (3), respectively, and indenting appropriately;

(3) in paragraph (2) (as so redesignated), by striking ''subparagraph (A)'' each place it appears and inserting ''paragraph (1)''; and

(4) in paragraph (3) (as so redesignated), by striking ''subparagraphs (A) and (B)'' and inserting ''paragraphs (1) and (2)''.

SEC. 407. FEDERAL ADMINISTRATIVE SUPPORT.

Section 21(g)(1)(A)) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(g)(1)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause(ii), by striking the period at the end and inserting ''; and''

(3) and by adding at the end the following:

''(iii) on October 1, 2010, and every October 1 thereafter, $4,000,000.''.

SEC. 408. COMPLIANCE AND ACCOUNTABILITY.

Section 22(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(d)) is amended by striking ''$6,000,000 for each of fiscal years 2004 through 2009'' and inserting ''$10,000,000 for each of fiscal years 2011 through 2015''.

SEC. 409. INFORMATION CLEARINGHOUSE.

Section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking ''2005 through 2010'' and inserting ''2010 through 2015''.

PART II—CHILD NUTRITION ACT OF 1966

SEC. 421. TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.

Section 7(i)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(i)(4)) is amended by striking ''2005 through 2009'' and inserting ''2010 through 2015''.

SEC. 422. STATE ADMINISTRATIVE EXPENSES.

Section 7(j) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(j)) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2015''.

SEC. 423. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

Section 17(g)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)(A)) is amended by striking ''each of fiscal years 2004 through 2009'' and inserting ''each of fiscal years 2010 through 2015''.

SEC. 424. FARMERS MARKET NUTRITION PROGRAM.

Section 17(m)(9) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)) is amended by striking subparagraph (A) and inserting the following:

''(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2010 through 2015.''.

Subtitle B—Technical Amendments

SEC. 441. TECHNICAL AMENDMENTS.

(a) RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT.—

(1) NUTRITIONAL REQUIREMENTS.—Section 9(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)) is amended—

(A) by striking ''(f)'' and all that follows through the end of paragraph (1) and inserting the following:

''(f) NUTRITIONAL REQUIREMENTS.—

''(1) IN GENERAL.—Schools that are participating in the school lunch program or school breakfast program shall serve lunches and breakfasts that—

''(A) are consistent with the goals of the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341); and

''(B) consider the nutrient needs of children who may be at risk for inadequate food intake and food insecurity.'';

(B) by striking paragraph (2); and

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(2) ROUNDING RULES FOR COMPUTATION OF ADJUSTMENT.—Section 11(a)(3)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)) is amended by striking ''ROUNDING.—'' and all that follows through ''On July'' in subclause (II) and inserting ''ROUNDING.—On July''.

(3) INFORMATION AND ASSISTANCE CONCERNING REIMBURSEMENT OPTIONS.—Section 11 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a) is amended by striking subsection (f).

(4) 1995 REGULATIONS TO IMPLEMENT DIETARY GUIDELINES.—Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (k).

(5) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—

(A) IN GENERAL.—Section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) is amended by striking the section heading and all that follows through the end of subsection (a)(1) and inserting the following:

''SEC. 13. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

''(a) IN GENERAL.—

''(1) DEFINITIONS.—In this section:

''(A) AREA IN WHICH POOR ECONOMIC CONDITIONS EXIST.—

''(i) IN GENERAL.—Subject to clause (ii), the term 'area in which poor economic conditions exist', as the term relates to an area in

which a program food service site is located, means—

''(I) the attendance area of a school in which at least 50 percent of the enrolled children have been determined eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

''(II) a geographic area, as defined by the Secretary based on the most recent census data available, in which at least 50 percent of the children residing in that area are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

''(III) an area—

''(aa) for which the program food service site documents the eligibility of enrolled children through the collection of income eligibility statements from the families of enrolled children or other means; and

''(bb) at least 50 percent of the children enrolled at the program food service site meet the income standards for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

''(IV) a geographic area, as defined by the Secretary based on information provided from a department of welfare or zoning commission, in which at least 50 percent of the children residing in that area are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); or

''(V) an area for which the program food service site demonstrates through other means approved by the Secretary that at least 50 percent of the children enrolled at the program food service site are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(ii) DURATION OF DETERMINATION.—A determination that an area is an 'area in which poor economic conditions exist' under clause (i) shall be in effect for—

''(I) in the case of an area described in clause (i)(I), 5 years;

''(II) in the case of an area described in clause (i)(II), until more recent census data are available;

''(III) in the case of an area described in clause (i)(III), 1 year; and

''(IV) in the case of an area described in subclause (IV) or (V) of clause (i), a period of time to be determined by the Secretary, but not less than 1 year.

''(B) CHILDREN.—The term 'children' means—

''(i) individuals who are 18 years of age and under; and

''(ii) individuals who are older than 18 years of age who are—

''(I) determined by a State educational agency or a local public educational agency of a State, in accordance with regulations promulgated by the Secretary, to have a disability, and

''(II) participating in a public or nonprofit private school program established for individuals who have a disability.

''(C) PROGRAM.—The term 'program' means the summer food service program for children authorized by this section.

''(D) SERVICE INSTITUTION.—The term 'service institution' means a public or private nonprofit school food authority, local, municipal, or county government, public or private nonprofit higher education institution participating in the National Youth Sports Program, or residential public or private nonprofit summer camp, that develops special summer or school vacation programs providing food service similar to food service made available to children during the school year under the school lunch program under this Act or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(E) STATE.—The term 'State' means—

''(i) each of the several States of the United States;

''(ii) the District of Columbia;

''(iii) the Commonwealth of Puerto Rico;

''(iv) Guam;

''(v) American Samoa;

''(vi) the Commonwealth of the Northern Mariana Islands; and

''(vii) the United States Virgin Islands.''.

(B) CONFORMING AMENDMENTS.—Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) is amended—

(i) in paragraph (2)—

(I) by striking ''(2) To the maximum extent feasible,'' and inserting the following:

''(2) PROGRAM AUTHORIZATION.—

''(A) IN GENERAL.—The Secretary may carry out a program to assist States, through grants-in-aid and other means, to initiate and maintain nonprofit summer food service programs for children in service institutions.

''(B) PREPARATION OF FOOD.—

''(i) IN GENERAL.—To the maximum extent feasible,''; and

(II) by striking ''The Secretary shall'' and inserting the following:

''(ii) INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary shall'';

(ii) in paragraph (3)—

(I) by striking ''(3) Eligible service institutions'' and inserting the following:

''(3) ELIGIBLE SERVICE INSTITUTIONS.—Eligible service institutions''; and

(II) by indenting subparagraphs (A) through (D) appropriately;

(iii) in paragraph (4)—

(I) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(II) by striking ''(4) The following'' and inserting the following:

''(4) PRIORITY.—

''(A) IN GENERAL.—The following''; and

(III) by striking ''The Secretary and the States'' and inserting the following:

''(B) RURAL AREAS.—The Secretary and the States'';

(iv) by striking ''(5) Camps'' and inserting the following:

''(5) CAMPS.—Camps''; and

(v) by striking ''(6) Service institutions'' and inserting the following:

''(6) GOVERNMENT INSTITUTIONS.—Service institutions''.

(6) REPORT ON IMPACT OF PROCEDURES TO SECURE STATE SCHOOL INPUT ON COMMODITY SELECTION.—Section 14(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(d)) is amended by striking the matter that follows paragraph (5).

(7) RURAL AREA DAY CARE HOME PILOT PROGRAM.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by striking subsection (p).

(8) CHILD AND ADULT CARE FOOD PROGRAM TRAINING AND TECHNICAL ASSISTANCE.—Section 17(q) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(q)) is amended by striking paragraph (3).

(9) PILOT PROJECT FOR PRIVATE NONPROFIT STATE AGENCIES.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (a).

(10) MEAL COUNTING AND APPLICATION PILOT PROGRAMS.—Section 18(c) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(c)) is amended—

(A) by striking paragraphs (1) and (2);

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

(C) in paragraph (1) (as so redesignated), by striking ''In addition to the pilot projects described in this subsection, the Secretary may conduct other'' and inserting ''The Secretary may conduct''.

(11) MILK FORTIFICATION PILOT.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (d).

(12) FREE BREAKFAST PILOT PROJECT.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (e).

(13) SUMMER FOOD SERVICE RESIDENTIAL CAMP ELIGIBILITY.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (f).

(14) ACCOMMODATION OF THE SPECIAL DIETARY NEEDS OF INDIVIDUALS WITH DISABILITIES.—Section 27 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769h) is repealed.

(b) CHILD NUTRITION ACT OF 1966.—

(1) STATE ADMINISTRATIVE EXPENSES MINIMUM LEVELS FOR 2005 THROUGH 2007.—Section 7(a)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(1)) is amended—

(A) in subparagraph (A), by striking ''Except as provided in subparagraph (B), each fiscal year'' and inserting ''Each fiscal year'';

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

(2) FRUIT AND VEGETABLE GRANTS UNDER THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—Section 17(f)(11) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(11)) is amended—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraph (D) as subparagraph (C).

SEC. 442. USE OF UNSPENT FUTURE FUNDS FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

Section 101(a) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 120) is amended—

(1) in paragraph (1), by inserting before the period at the end '', if the value of the benefits and block grants would be greater under that calculation than in the absence of this subsection''; and

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

''(2) TERMINATION.—The authority provided by this subsection shall terminate after October 31, 2013.''.

SEC. 443. EQUIPMENT ASSISTANCE TECHNICAL CORRECTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, school food authorities that received a grant for equipment assistance under the grant program carried out under the heading ''FOOD AND NUTRITION SERVICE CHILD NUTRITION PROGRAMS'' in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 119) shall be eligible to receive a grant under section 749(j) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80; 123 Stat. 2134).

(b) USE OF GRANT.—A school food authority receiving a grant for equipment assistance described in subsection (a) may use the grant only to make equipment available to schools that did not previously receive equipment from a grant under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

SEC. 444. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in

the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 445. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act or any of the amendments made by this Act, this Act and the amendments made by this Act take effect on October 1, 2010.

The SPEAKER pro tempore. Pursuant to House Resolution 1742, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, today I rise for our Nation's children, for the poorest children in our country who are hungry and malnourished. I rise because children need our help. Child nutrition is not a political issue. It's not a partisan issue. It's a question of what's a moral thing to do for our children. It's about being on the right side of history and ensuring a healthy and productive future for our country. Our children will make and determine our future, and that is what is at stake.

In a country as great as ours, no child should go hungry, but, in fact, millions of children do go hungry at various times throughout the year and very often throughout the day. And the fact of the matter is we cannot afford to let that continue.

At the same time we are in the middle of this crisis of food insecurity, it's called, better known as hunger. We also face the public problem of obesity. And what we understand and what we know is that our schools, through the school nutrition programs and other programs that serve nutritional meals to children, are an opportunity to educate them about eating better, eating healthier. This legislation addresses those concerns because it provides the resources necessary so that we can improve the meal selection for our children in the various feeding programs.

It's very important for us because it also provides for increased transparency of the program, for increased efficiency of the program, for increased simplicity of the program both for parents who are enrolling their children, for school districts who are enrolling and accountable for those children and for those meals. Those combinations of accountability and transparency for healthier meals should be a goal and is the goal, in fact, of this Congress and of this Nation.

It also provides accountability within the legislation, and it also provides the means by which we can assure that we will have healthy foods during the school day for the children and in other educational settings and care settings for these children so that we can also address the problems of childhood obesity.

We have had hearings in our committee where we have had experts from various scientific organizations and health organizations, that we now have very young children presenting with adult diseases and illnesses. We spend some $140, $150 billion on the excess costs of obesity, much of which starts with children, with their diet.

That's what this legislation is really about, is making sure that we can, in fact, provide for a healthier school-age population, a smarter school-age population about the foods that they choose, a better meal program for them, and increased simplicity and transparency and accountability for those who administer the program.

With that, I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I rise in opposition to S. 3307, and I yield myself such time as I may consume.

The American people have spoken, and they continue to speak loud and clear. I have been listening, and I know what I have been hearing in the Second District of Minnesota is being repeated from coast to coast: Stop growing government. The people are telling us, Stop spending money we do not have. It's a simple request and a sensible one, yet it continues to be ignored.

Today's vote will be among our final acts as we move through the few remaining days of the 111th Congress. As we cast those votes, we have a choice to make. Will we continue spending more and increasing the role of government in Americans' lives, or will we listen to the people and begin to step on the brakes?

Each of us must make that choice as we cast our votes on the bill before us. Everyone recognizes the importance of extending child nutrition programs, but extending these programs does not mean expanding them. We could extend these programs and improve them with no added cost to taxpayers. We could listen to our constituents and do right by our children.

In fact, my Republican colleagues and I tried to do precisely that, but the Democrats on the Rules Committee denied us the opportunity to offer such an option on the floor today. Instead, this bill spends another $4.5 billion on various programs and initiatives and creates or expands 17 separate Federal programs. It imposes a tax on the middle class by empowering the U.S. Secretary of Agriculture to require schools to increase—that's right—require schools to increase the price they charge families for school meals.

This is a dangerous foray into Federal price controls, and it's one of many concerns outlined by the National Governors Association and leading school groups. In fact, the school leaders who would be responsible for implementing these new requirements have urged us to vote ''no'' on S. 3307 because of its higher cost for local districts and its rigid mandates.

□ 1330

Earlier this month, the American Association of School Administrators, the Council of the Great City Schools, and the National School Boards Association told us, ''All of the national organizations representing the Nation's public school districts do not support the Senate version of the Child Nutrition reauthorization bill pending before the House.'' This is a strong statement that should leave every Member questioning the wisdom of imposing these added costs and mandates on our school systems.

In fact, the cost of this proposal has been a sticking point throughout the process. The majority claims this bill is paid for. They want us to believe we can grow government with no cost or consequences. But the American people know that's just not true. More spending is more spending whether or not those dollars are offset elsewhere in the massive Federal budget. But one offset in this bill is particularly questionable.

The truth is, at least some portion of the billions the new program costs is deficit spending. This money was borrowed from our children and grandchildren in 2009 when it was put in the stimulus; that borrowed money is simply being redirected today. It was borrowed then; it is borrowed now.

This bill, with its so so-called pay-for, is merely a stalling tactic. It obscures government expansion in the short term so this bill can become law and its spending can become permanent. So here we stand, playing a shell game with the Federal budget and hoping the American people do not notice that government continues to grow, spending continues to expand, and our children continue to fall deeper and deeper into debt.

Mr. Speaker, I support extending and improving child nutrition programs. I believe we can do so in a bipartisan way, but that opportunity is lost with this bill, and so I must oppose it.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 30 seconds. First of all, it's very clear in this legislation that it does not require school districts to raise any meal prices. In fact, in the best sense of local control, it lets school districts decide and determine how they will ensure that there's adequate revenue to support the paid meal program. We should not have the Federal taxpayers underwriting the support of meals for those who can afford it as is required by the law. This bill passed unanimously from the United States Senate. It passed unanimously because they knew that it is paid for.

I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Mr. Speaker, I rise in support of S. 3307 which passed, by the way, by unanimous consent out of the Senate. And I support it because it is our responsibility in this wealthy Nation, the United States of America, to make certain that all children, regardless of family income, have nutritious

food so that they will thrive in school and in life and because we know that a hungry child cannot learn and poor nutrition costs our Nation far more over time than investing in good nutrition now.

Mr. Speaker, I'm proud to be the author of two provisions of this bill. One will update, for the first time in 30 years, the nutritional standards for foods sold in vending machines, a la carte lines and school snack bars. The other creates a pilot program for schools to offer organic foods.

We know that child nutrition is at the heart of our social safety net and the safety of all of our children. And these programs have been overwhelmingly successful, and they have been cost effective. It's essential that we reauthorize them and that the administration work with us to fulfill their commitment to backfill any food stamp funding after 2013.

I urge all of my colleagues, Mr. Speaker, to vote ''yes'' on S. 3307.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume here to address this issue of a floor on school lunch prices that can be imposed. I have got a couple of quotes here I would like to read. One is from the bill and one is from the letter from the Governors Association where there's a paragraph that says, ''Federally mandated paid meal price. The bill would establish a Federal mandate for every paid meal in every school in the country for the first time ever. Governors join with the school community to strongly oppose this Federal mandate. The provision will dramatically destabilize fair market pricing of school meals'' and so forth.

And they get that from the language of the bill itself. In section 205, it says: ''Lower price, in general, in the case of a school food authority that established a price for a paid lunch in the previous school year that was less than the difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch, the school food authority shall establish an average price for a paid lunch that is not less than the price charged in the previous school year.''

So the Federal Government is coming in and saying, you can't charge any less; you cannot lower the price of your paid school lunch unless its meets our requirements. It is, in fact, saying that you can't lower the price of food even if you would like to do so. It doesn't meet this requirement.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from New York, CAROLYN MCCARTHY, the subcommittee chair on this.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010. I want to also thank Chairman MILLER for his leadership on this issue. I also want to thank all of our staff who have worked so hard on this bill. Finally, I would like to thank the nutrition and anti-hunger groups who have helped raise the awareness of this very important issue, including those in my district.

In the Healthy Families and Communities Subcommittee, which I chair, we have worked hard over the last two Congresses on how we should address many of the important issues through child nutrition reauthorization, including how we can reduce childhood obesity. I'm proud that this bill contains provisions from bills which I have introduced, which will promote nutrition and wellness in child care settings and support breastfeeding for low-income women.

As a nurse for over 30 years, I have seen firsthand the risks and illnesses that can result from obesity. Childhood obesity, diabetes, and heart disease are all on the rise in the United States. And one of the best tools we have to combat these illnesses is our ability to apply wholesome and healthy nutrition to children in our schools. Childhood obesity is found in all 50 States, in both young children and adolescents. It affects all social and economic levels.

There is no silver bullet to solve childhood obesity. However, the School Breakfast and Lunch programs can make a great impact because they may provide more than 50 percent of a student's food and nutrient intake on school days.

Given the current harsh financial realities for many families in my district and throughout the Nation, schools have an increasingly important role to play in providing children with nutritious food during their days. We also know how critical it is to reach children as soon as possible. While the bill doesn't include everything our House-passed bill contained, it is a strong, commonsense, and hopefully bipartisan effort to improve access to healthy food to all children.

I urge my colleagues to vote ''yes'' on this bill.

Mr. KLINE of Minnesota. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

I'm a medical doctor, and I have spent almost four decades of practicing medicine concerned about child nutrition and about the health of my patients. Doctors do that as family practitioners and pediatricians all over this country, all over the world.

But this act is not about child nutrition. It's not about healthy kids. It's really about an expansion of the Federal Government. And it's an interference in the school system, so much so that the American Association of School Administrators, the Council of Great City Schools, and the National School Boards Association all oppose this act.

This is not about child nutrition. This is about more government control. This is not about healthy children. It's about borrowing more money and putting our children in greater debt. It's not about creating a better environment for children in the schools. It's about more and more control from Washington, DC.

And we have just got to stop that. The American people are acting very strongly against the agenda that this Congress and this President has shown them in the last 2 years. We saw that on November 2.

□ 1340

We have got to stop the spending. This is a $4.5 billion bill, and the pay-for that our colleagues on the other side of the aisle have put into place is a farce. It's a lie, and it is borrowing more from our children. This kind of idiocy has to stop. It includes a lot of Federal mandates. It is going to be extremely costly.

And it does things such as create new programs like an organic food plot. Now, I eat organic food. I like the taste of free range chicken and free range beef and organic foods, but we don't need the Federal Government to promote this kind of stuff. It's crazy.

It also spends taxpayer dollars to federalize nutrition standards. I am one who believes in proper nutrition. I have talked to my patients for years and years about proper nutrition, eating properly, taking care of their diabetes and their hypertension and their hyperlipidemias and things like that through nutritional means above even prescribing medication. But the Federal Government has no business setting nutritional standards and telling families what they should and shouldn't eat.

This bill contains a lot of hidden costs, hidden costs that are going to wind up being billions of dollars of more Federal spending. And it contains mandates on the States.

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

Mr. KLINE of Minnesota. I yield the gentleman an additional minute.

Mr. BROUN of Georgia. It does give extra mandates on the States, and the States are already overburdened and suffering financially.

Republicans have an alternative to support child nutrition without growing government, but we are not able to bring those things to the floor. Hopefully in the next Congress, we will be able to. We are extremely concerned about the nutrition of our children, and of adults. I, as a physician, have been spending most of my adult life talking about nutrition and health, but this bill is not that. This bill is a nutrition bill for a bigger government, greater spending, and it must stop. I encourage my colleagues to vote against this bill. It is disastrous.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the Speaker of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the chairman, and I thank Congresswoman MCCARTHY, Chairwoman

DELAURO, Congressman JIM MCGOVERN, all for their leadership in bringing this important legislation to the floor today. I especially want to acknowledge the exceptional leadership of First Lady Michelle Obama for recognizing a tremendous need in our country for proper nutrition for our children, children who have issues of having the proper nutrition, having issues about being susceptible to diabetes. So many members of our caucus in this Congress have participated in this legislation, in this House, Congresswoman BARBARA LEE, the chair of the Congressional Black Caucus, as have other Members; Leader HOYER. We all come together with a shared value, and we come together proudly to support a bill that passed unanimously, with bipartisan support, passed unanimously in the United States Senate. I congratulate the Senate for the action that they took to give us an opportunity to be here today.

When I became Speaker, my first action was to gavel the House to order on behalf of all of America's children. I feel very proud that toward the end of this Congress, I have an opportunity to come to speak for those children as well. I come as a mother and as a grandmother. I come as one whose children and grandchildren every day pray for the one in five children in America who lives in poverty. Many of those children go to sleep hungry at night. How could that be in this, the greatest country in the world.

This Congress, the United States Senate in a bipartisan way, the First Lady and the President of the United States have decided to take action upon the tremendous need our children have. We all know that this legislation is important for moral reasons. It is also a competitiveness issue for our country. It is important for children to learn in order for us to compete internationally. They can't learn if they are not eating, if they don't have the proper nutrition. So it is not just about what it means to the children, although that is foremost. It is what it means to our country, our community, to our economy.

It is a national security issue as well. Just a little bit of history that many of you are familiar with, but I will recall, in order to create the strongest possible military, we must address obesity among America's children. A little history, the National School Lunch Act was made law in 1946 as a response to the alarming number of Americans who were rejected from World War II military service because of diet-related health problems. That is how we got food stamps and many of the food initiatives in our country. More than 60 years later, America faces the same problem: 27 percent of young Americans are unable to serve in the military because they are overweight. That is why Mission Readiness, an organization of more than 150 retired military leaders, is urging Congress to pass this bill.

The faith-based community supports it. The children's organizations support it. Those who are concerned about nutrition and feeding our children support it. The military supports this legislation. It will strengthen our competitiveness, it will improve our military readiness, and it will honor our commitment to our children. And it does so in a fiscally responsible way, improving the efficiency and the effectiveness of Federal child nutrition initiatives and ultimately saving the taxpayer money.

The United States of America spends $147 billion each year in excess medical costs treating obesity-related diseases. Indeed, we cannot afford not to address this problem. We must address this problem. Again, I commend my colleagues for their leadership over the years. I know that Congressman GEORGE MILLER, now chairman of the Education and Labor Committee, but way back when, before he came to Congress, decades ago as a staffer in Sacramento, California, worked on child nutrition issues. So he brings a long history and great commitment in making a tremendous difference for children and their health.

Again, let us address this moral issue, this competitiveness issue, this national security issue. Let us join the United States Senate in passing this legislation with strong bipartisan support for all of America's children.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, the Senate unanimously passed this bill. Unanimously. I think I understand why, because they understood what I hope we understand today is the choice that is in front of the country. You can understand that choice by thinking about where two Americans are at this moment.

One of them is a second grader who just went through her paces and classes for the morning. It's now time for lunch. This bill says no matter how much money her mother and father make, she is going to get a nutritious, wholesome meal to fuel her for the rest of the day. And, yes, that is going to cost $4 billion, which is offset by cuts in other areas of the budget.

The second American is the leader of a huge hedge fund on Wall Street. He is on his way to lunch at the priciest restaurant in Manhattan, maybe a $200 or $300 lunch. One of the other issues before the Congress this week is whether he should get a tax cut that over the years will cost a dollar for every penny that this bill costs. These are the two Americans whose considerations are before the House today.

□ 1350

I don't begrudge the hedge fund manager for the wealth he's accumulated, the jobs he's created. I don't think we should borrow money from the Chinese to lower his taxes; but I think, as the unanimous consent of the Senate thought, that that second grader should get a wholesome, healthy school lunch, and we should vote ''yes.''

Mr. KLINE of Minnesota. Mr. Speaker, I continue to reserve.

Mr. GEORGE MILLER of California. I yield 1 minute to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the chairman for yielding. I want to congratulate the chairman, as the Speaker did, for a lifetime of dedication to children, to education, and to health care. He has been a giant in all three of those activities and, in fact, understands the relationship between all those activities.

I also want to thank the ranking member for his work. I know that he's not for this bill, so we have a difference there; but I do not believe, as the previous speaker said on his side of the aisle, that he's not also for making sure that children have the proper nutrition and grow up healthy. We have a different perspective on how to get there.

The Centers for Disease Control tell us that over the past three decades childhood obesity rates have tripled. Nearly one out of every five American children between the ages of 6 and 19 is obese. That is a national crisis. That is a national security crisis. That is a crisis that we owe morally, ethically, fiscally, and as a national policy to address. That doesn't just mean a lifetime of health problems for those children. It means a public health crisis that we all pay for.

One of my favorite phrases is, Life is a series of alternatives, series of choices, but they're not free choices. Ted Agnew was elected Governor of the State of Maryland at the same time I was elected to the Maryland State Senate, and he gave a speech on the east front of the capitol of our State in Annapolis. One of the phrases in that speech has stuck with me since January of 1967. He said, The cost of failure far exceeds the price of progress. I want you to think about that: the cost of failure far exceeds the cost of progress.

The cost of unhealthy children is far greater than keeping those children healthy, to facilitating their not only nutritional but health needs. We pay for the failure to do so in the billions of dollars in health care costs each year, and we even pay for it in military readiness, with at least 9 million young adults, think about it, 9 million young adults in America who are too overweight to serve in our Armed Forces, nine million, according to a coalition of retired senior military leaders.

So, again, a health issue but a national security issue as well.

We can't reverse the obesity epidemic or solve child hunger overnight. We recognize that. But we can take an important step towards getting our

children healthier food by passing this particular piece of legislation.

And as has been pointed out time after time, this bill was passed unanimously in the other body. That means that this is not a partisan bill. This is not a bill on which there was great disagreement, and we know in the United States Senate there are people who are very concerned about the budget deficit, very concerned about growth of government, very concerned about many of the things that were expressed on this floor. They unanimously said this is a priority for our country and we're going to pass it.

This legislation takes important steps to increase access to school meal programs, improve the standards of the food provided and sold to our children, and strengthen accountability to produce healthier results for our children.

Among the bill's most important provisions, it increases reimbursements for school meal programs so that the food offered can meet today's health standards, not outdated standards. We've learned a lot in the last 15 to 20 years. We understand better what creates healthy children, is helpful or is not, food that may taste good but leads to obesity.

Now, we all have the opportunity to purchase that. I'm a big McDonald's eater myself. I understand that luckily whatever metabolism I have seems to work with respect to my ingesting all of those McDonald's hamburgers and french fries. I love them and I don't want to be told I can't have them. But I do know this: I have a great-granddaughter who's 4 years of age. She's going to be in school pretty soon. I want to make sure the food she gets in school, whether she buys it or it's provided for her because she can't afford it—luckily our family will be able to afford it—is food that will enhance her health, her well-being, her growth, her intellectual abilities because she will feel well.

This is a critically important piece of legislation that so many Members of the Senate and the House have worked so hard on. The bill also helps schools create and expand breakfast programs because nutritious breakfasts have been shown to correlate strongly with improved academic outcomes.

George Bush I was a big proponent of Head Start. One of the reasons he was a big supporter of Head Start is because he thought it worked. He thought it worked to make sure that young people have opportunities. One of those, of course, is having a breakfast so that when they're in a classroom they're not agonized about hunger. They're focused on learning.

When families face food insecurity and when schools do too little to pick up the slack, we are condemning children to higher chances of poor performance in school and poor health throughout life. This bill will also provide grants and outreach to increase participation in summer food service programs so that children can eat healthier food year-round.

I learned about the importance of those programs firsthand. I'm sure many of you have done the same on both sides of the aisle. You have visited programs in your communities that provide children with healthy meals. I was in La Plata, Maryland, a few months ago, and I saw the direct benefit to those children of the program that was available to them there.

Finally, this bill would continue school districts' role in creating local nutrition and physical activity programs, but it will also ensure follow-up to see these programs are implemented and that they meet their goals.

The health of our children has a distinct and direct impact on all of us, and all of us care about that. It's not a partisan issue. Every Republican, every Democrat cares about the health of our children. But caring is not enough. We need to act as well. Saying that we care, as the Bible tells, faith without works is dead. It's nice to say you have faith, but if you don't follow that with action, that's somewhat empty.

This is an opportunity to act. This is an opportunity to not only say that we care about children and their health and their nutrition and their welfare but it is an opportunity to act and make it so. Let us do that.

I congratulate all of those who have worked so hard to bring this bill to the floor, and I urge its adoption.

Mr. KLINE of Minnesota. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from east Tennessee, Dr. ROE.

Mr. ROE of Tennessee. Mr. Speaker, I rise in opposition to this legislation.

You will be hard pressed to find many Members on either side of the aisle who oppose childhood nutrition programs. No child, no child, should have to go hungry. That's something all of us agree on.

This bill, however, represents everything that's wrong with Congress right now. First, we've done virtually no committee consideration of this legislation. Of other legislation, yes, but not this legislation we are going to vote on today. The Education and Labor Committee marked up an entirely different bill. Many Republicans offered amendments in committee; and like so many other bills in NANCY PELOSI's Congress, no amendments were permitted on the floor today, none.

Second, this bill spends even more. What the American people have been saying all year to us is to stop spending money we don't have. They want us to look for savings within existing programs. If there are worthy improvements to be made, we can use those savings to make these programs better, but you can't get out of a ditch if you keep digging yourself deeper into it, and our fiscal situation is the Grand Canyon of all ditches.

□ 1400

Now, I'm sure we're going to hear all about how this spending is ''paid for'' with spending cuts. While that's an improvement over paying for bills with tax increases, the fact is many on the other side of the aisle and a host of groups are already insisting that the cuts be made here today to the food stamp program, or SNAP, as it's now called, will be restored. How dishonest is it to say a bill is paid for with spending cuts that we have no intention of keeping in place?

If we defeat this legislation today, we can come back and start considering each new program today on its own merits. There may be some improvements to the program which I would vote for—and I'm sure there are—and I would be happy to work with colleagues on both sides of the aisle on this program after we have had a chance to carefully review it; but until then, let's keep the existing program in place.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to a member of the committee, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the chairman.

Mr. Speaker, this important bill will increase the number of children enrolled in school meals programs, and it will provide more meals for at-risk children nationwide; it will improve the quality of school meals; it removes junk food from the schools; it provides nutrition and wellness for the students, and it increases the reimbursement rate for schools. This is too important to delay another day.

I want to thank Chairman MILLER for including in the bill language that I wrote on Farm to School improvements, which will provide tens of millions of dollars in mandatory funding for fresh vegetables.

Now, since I come from New Jersey, it may not be a surprise that I support bringing Jersey tomatoes and sweet corn into the schools, but this has real nutritional benefits and educational benefits as well as improving the economics of local farmers. Of course, it will also help, as we've heard, fight childhood obesity.

It is important to point out—and I must emphasize this to my colleague who just spoke—that this is paid for fully by cuts in other programs, and I pledge to restore any funds borrowed from future years of food stamp funding to cover this.

Mr. Speaker, I rise today in support of the Healthy, Hunger-Free Kids Act of 2010 (S. 3307), which will reauthorize important child nutrition programs and raise the nutritional standards for food served to our school children in a variety of ways.

The number of obese children in the United States has tripled in the last 30 years. The Centers for Disease Control and Prevention (CDC) found that as of 2008 almost 32 percent of our children were either overweight or obese. Obesity leaves children at risk of developing adult diseases such as hypertension and Type–2 diabetes, and at increased risk of developing heart disease and suffering from strokes and cancer. A study by Mission: Readiness, an organization of retired senior military

leaders, found that more than 9 million young adults are too overweight to join the Armed Services.

In a strange paradox, while childhood obesity has reached epidemic levels in the United States, so too has childhood hunger. As of 2008, more than 49 million people in the United States were living in food insecure households, and more than 16 million of those were children. That's more than 22 percent of all children living in America. Making matters worse, more than 17 million people were living in households that were considered to have ''very low food security,'' a USDA term meaning one or more people in the household were hungry over the course of the year because of the inability to afford enough food. In 2008, the number of people suffering from ''very low food security'' was double the number in that category in 2000.

We are long overdue in taking decisive action to combat these problems, and I am pleased that we are taking an important step today. The Healthy, Hunger-Free Kids Act includes many provisions to combat childhood hunger. The bill increases the number of children funded in the school meal program by using existing data to directly certify eligible children. In addition, it provides funds to states to establish and expand school breakfast programs in communities with high levels of children living in poverty. It would also expand the availability of summer food service programs so more children have access to nutritious meals year round. To help reduce hunger outside of school, the bill would allow Child and Adult Care Food Program providers nationwide to be reimbursed for providing a meal to at-risk children after school. Altogether, the hunger-prevention provisions in the bill would provide more than 21 million additional meals to at-risk children.

The legislation would also combat obesity by making the food served at school healthier and more nutritious. It requires that all food served at school meet updated standards that reflect recommendations made by the Food and Nutrition Board of the National Academy of Sciences National Research Council, This will finally remove junk food from schools and ensure that the only meal some children get each day is nutritious. Further, the legislation increases the reimbursement rate for schools that comply with these new nutrition standards. This represents the first increase in reimbursement rates in 30 years. The bill also requires schools participating in the school lunch program to offer drinking water in the location where meals are served, while they are being served, and to establish school wellness policies.

I am particularly pleased that my legislation, the Farm to School Improvements Act, is included in the Healthy, Hunger-Free Kids Act. The farm to school provisions in the bill establish a program through which schools, agricultural producers, nonprofit organizations, agencies and Indian Tribes can obtain competitive matching grants to increase the use of locally-supplied foods in schools participating in the school lunch or breakfast programs. Priority in awarding the grants goes to projects that, among other things, make local food products available on the school menu, serve a high proportion of children who are eligible for free or reduced price lunches, and incorporate experiential nutrition education activities such as farming and growing school gardens in curriculum planning. The bill provides $40 million in mandatory finding over 8 years to support farm to school programs.

When he testified in July at the hearing on this legislation in the House Committee on Education and Labor, U.S. Secretary of Agriculture Tom Vilsack said that we cannot ''delay the connection between the farm and school.'' It is a crucial link between children and their food supply. Similarly, Beth Feehan, Director of the New Jersey Farm to School Network said ''[w]e can't be penny wise and a pound foolish with this one. What we feed children will determine their health as adults—how well they learn and perform in all areas of their lives. . . . When our military states that [it] cannot command enough recruits due to the increase in obesity in the eligible population who can serve, it is time to take a serious look at what we are feeding children and make improvements now.'' I am pleased that we are doing that today.

In these challenging fiscal times, every dollar we spend must not only meet immediate needs but also make lasting improvements for the future. Because school food programs currently provide more than half of the daily nutrition for many children, it is vital that these meals be healthy ones. Farm to school programs increase the availability of fresh fruits and vegetables to improve our children's daily nutrition and can lead to permanent improvements in their diets and eating habits.

Farm to School programs also benefit small- and mid-sized agricultural producers by providing access to consistent markets, making them a great stimulus for the local economy. Currently, 10,000 farm to school programs exist, but there are 94,000 public and nonprofit private schools operating school lunch programs that could offer one.

I would like to take a moment to thank Megan Lott of the Community Food Security Coalition, Beth Feehan, the Director of the New Jersey Farm to School Network, and Gabrielle Serra of the House Committee on Education and Labor for helping to make this program a reality.

I was delighted when the House recognized the critical importance of farm-to-school programs by passing my House Resolution 1655 in November, to establish October as National Farm to School Month. Today, I am pleased to support the Healthy, Hunger-Free Kids Act, and I urge my colleagues to do the same.

Mr. KLINE of Minnesota. Mr. Speaker, may I inquire as to the time remaining on both sides.

The SPEAKER pro tempore. There are 18½ minutes remaining on both sides.

Mr. KLINE of Minnesota. I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to a member of the committee, the gentleman from Iowa (Mr. LOEBSACK).

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

Mr. LOEBSACK. I want to thank Chairman MILLER and staff for working to move the reauthorization of this bill forward.

Mr. Speaker, this really is a historic bill; and while not perfect, it is nonetheless a vast improvement over the status quo. As was mentioned already a number of times, it passed unanimously in the Senate.

I am pleased that this legislation includes provisions from legislation that I introduced to ensure that over 110,000 more children receive school meals and are automatically enrolled for those meals, saving parents and schools time and money and cutting red tape, while also ensuring that our Nation's children are, in fact, getting adequate nutrition.

It also includes provisions that will improve the quality and healthfulness of school food products and processing, and it will give schools a new option to provide universal free meals.

This bill also makes a strong commitment to healthy foods through the Farm to School program, as was just mentioned, and it provides the first increase in the meal reimbursement rate in over 30 years.

I urge support for this legislation, not only for our children's current health, but for their future health as adults as well. I urge the passage of this legislation.

I want to first thank Chairman MILLER and Chairwoman LINCOLN and their staff for working to pass this bill and moving child nutrition reauthorization forward. This is a historic bill, and while not perfect, is a vast improvement over the status quo.

I am pleased that a number of provisions from legislation I introduced are included in this legislation. I was happy to introduce in the House, along with Chairwoman LINCOLN in the Senate, the Healthy Food for Healthy Schools Act, which is included in this bill.

I am also pleased that this bill includes a number of provisions from the Hunger Free Schools Act I introduced in the House and Senator BROWN introduced in the Senate.

The primary goals of the Hunger Free Schools Act are to increase access to the school meals programs, enhance children's learning, support a robust farm and food economy, and also lessen the administrative cost and burden on our schools.

Even in this day and age, the U.S. Department of Agriculture (USDA) reported that in 2009, over 450,000 families with children had one or more children who did not get enough to eat. In my eyes, this is simply unacceptable in the wealthiest and most advanced nation on earth.

I truly believe this legislation takes major steps to address these issues in the place where our children learn and grow. In order to prepare our children to compete in an increasingly global economy, we must make childhood nutrition a priority. By automatically enrolling low-income children for free school meals to ensure that no hungry child misses out on critical nutrition, we are taking important steps to address these issues.

That is also why, in the Hunger Free School Act, we included provisions to make it easier for high-poverty schools to offer free meals to all students through community eligibility and to make it easier for low-income students to get free meals no matter where they attend school.

The legislation before us today includes a number of these provisions from the Hunger Free Schools Act. I would like to share some specifics about what S. 3307 will do with respect to community eligibility and automatic enrollment.

This legislation includes new options designed to make it much easier for high-poverty schools and districts to focus their efforts on educating children rather than administrative burdens and paperwork. The new options, which are known as community eligibility options, draw on reliable data to replace paper applications, significantly reducing administrative hassles and even costs for families and for schools.

Schools that participate in community eligibility options would serve all meals free of charge to students in exchange for the simplifications of not having to process applications or track eligibility in the cafeteria. We have to make sure, however, that we don't replace one bureaucratic process that plagues schools with another process of complicated formulas and reimbursement rates.

The community eligibility provision included in this bill is targeted at the poorest schools in America. The goal is that these schools are able to serve all kids free meals so that no low-income child feels a stigma for needing these meals, they all get the meals they need to learn, and we help streamline the operation of the meal program.

This should allow schools to spend time on teaching and improving school meals rather than paperwork. While implementing the community eligibility portion of this legislation after it is signed into law, USDA should work to make it as easy as possible for schools to participate and should avoid unnecessary barriers or complexities. We need to focus on the goal of getting high-poverty schools to participate to make progress on reducing hunger.

Another important provision included in S. 3307 I was happy to work on is an expansion of automatic enrollment and direct certification. The Child Nutrition and WIC Reauthorization Act of 2004 phased in a requirement that schools automatically enroll children in households receiving benefits through the Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program) for free school meals so that families that have already sought help and provided detailed information will not have to go through a duplicative application process, thereby saving school districts time and money.

Obviously the goal was to have every school district automatically enrolling every one of those children. For a number of reasons, states miss nearly three in ten children who could benefit from automatic enrollment and some states miss half the children who could benefit. While we have not yet achieved the goal of automatically enrolling every child, schools have made good progress and this legislation will put in place incentives for further progress.

S. 3307 will put in place performance standards beginning with reaching 80 percent of children eligible for automatic enrollment based on SNAP data and increasing to 95 percent. States that have trouble meeting this standard will develop improvement plans and states that perform especially well or show dramatic improvement will receive performance bonuses. The Congressional Budget Office (CBO) estimates that an average of 4,500 low-income children will receive free school meals for the first time as a result of these changes.

While not as strong as provisions I included in the Hunger Free Schools Act, S. 3307 will importantly launch a demonstration project to expand direct certification through the use of Medicaid data for automatic enrollment for free school meals. Due to the funding situation we are faced with, the demonstration project focuses on the use of Medicaid data by selected school districts around the country. CBO estimates that 115,000 children each year will receive free school meals for the first time as a result of this demonstration project and many more who are already receiving free meals will be automatically enrolled for the first time by using the new Medicaid data.

Unfortunately, as I mentioned, due to funding constraints, there are millions more children who are eligible for free school meals and receive Medicaid, but who will not benefit from this expansion of direct certification. Fortunately, the USDA can do a great deal to reach them within the Department. I urge USDA to use its standing authority to conduct additional demonstration projects to explore the use of Medicaid data to enroll low-income children for free school meals.

Granted, the use of Medicaid data for direct certification is more complicated than SNAP data because states may set income limits for children receiving Medicaid that are higher than the income limits that apply to free meals offered through the school meals programs. To take Department-level steps to remedy this situation, USDA could study an array of different approaches to using Medicaid data for school meals enrollment, including statewide approaches.

Alongside my enthusiasm for these provisions, however, is concern that this bill is partly funded by reducing future SNAP benefits that were increased above normal levels as a result of the American Recovery and Reinvestment Act. As we all know, SNAP benefits stave off hunger for millions of low-income families, including many of the same families and children we try to help through the child nutrition programs.

I am pleased the Administration has stated their intention to work toward the restoration of this SNAP funding in the future and their intention to take additional steps to make improvements on a Department-level to the child nutrition programs. I hope USDA will look at provisions in the Hunger Free Schools Act for some ideas on potential improvements.

Despite the issue with SNAP benefits, this bill provides numerous benefits for children and schools and is truly a historic commitment to child nutrition. The bill also makes a strong commitment to healthy foods through the Farm to School program and provides the first increase in the meal reimbursement rate in over 30 years. The provisions of the Hunger Free Schools Act that are included will make important strides to modernize the school meals program and make it easier for low-income children to get the school meals they need, while providing a base upon which USDA may build.

By the time we begin work on the next child nutrition reauthorization, I hope these provisions I have discussed will have ensured that schools sewing low-income children are providing free meals to all students using community eligibility options, every student in a household receiving SNAP benefits are automatically enrolled for free school meals, and thousands more children are directly certified through Medicaid data.

Most importantly, I hope children will be healthier, will have a better learning environment, and that our child nutrition programs will be fulfilling our commitment to ending childhood hunger.

Mr. KLINE of Minnesota. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to a member of the committee, the gentlewoman from California (Ms. CHU).

Ms. CHU. How could the wealthiest country in the world have a situation where 22 percent of its children are hungry? Children like Michael, a fourth-grader. His mom works two jobs, and it's hard for her to cook, so Michael stuffs three sandwiches in his backpack during lunch, making the school lunch program his only guaranteed meal.

This bill will make it easier for more children like him to have at least one healthy meal a day. Kids who are fed aren't just healthier; they succeed. Children who eat breakfast at school do better on standardized tests than those who skip it or eat at home.

But that's not all. We heard some school districts are balancing their budgets by using school lunch dollars for other purposes. So I introduced a bill to ensure Federal nutrition money actually goes toward feeding our needy children—it is included here—ensuring that our tax dollars go where they are supposed to.

This bill was unanimously passed in the Senate and is fully paid for. Let's pass this bill, and let's ensure that our kids are fed.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself 2 minutes just to address an issue that we have talked about a number of times.

Both sides have referred to organizations that support or oppose this legislation. For a moment, I just want to go to a letter that has been referred to from the American Association of School Administrators, the Council of the Great City Schools, and the National School Boards Association. They represent the State and local officials who actually have to implement this law that we are preparing to pass here in Congress. There are just a couple of excerpts from the letter which I will quote:

''The bill adds multiple new requirements while failing to reimburse these additional costs.''

''School districts continue to financially subsidize the Federal meals program at the expense of our primary responsibility, our students' educational program.''

''The numerous new requirements in S. 3307 will exacerbate these operational concerns and drive school districts' budgets further in the hole. Notably, none of the interest groups or celebrities promoting this bill bear the governmental and legal responsibility of school district officials to deliver services with an annual balanced budget,'' and so forth.

This bill will drive up costs and complexities for school districts, and that is not the direction in which we should be going.

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS; COUNCIL OF THE GREAT CITY SCHOOLS; NATIONAL SCHOOL BOARD ASSOCIATION,

NOVEMBER 15, 2010.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: All of the national organizations representing the nation's public school districts do not support the Senate version of the Child Nutrition reauthorization bill (S. 3307) pending before the House. The bill does not provide sufficient resources to cover the local cost of providing the federal free and reduced-priced lunches and breakfasts. Moreover, the bill adds multiple new requirements while failing to reimburse these additional costs. The Senate bill is actually less supportable than the House version of the child nutrition bill. As a result, the nation's school administrators, school boards, and big city school districts recommend passing a simple extension of current law.

School districts recognize the importance of providing healthy meals and snack options for school children, and support updating the nutritional standards for the National School Lunch and Breakfast Programs. But, school districts continue to financially subsidize the federal meals program at the expense of our primary responsibility, our students' educational program.

U.S. Department of Agriculture studies document that school districts' cost of providing free lunches exceeds the federal reimbursement by over thirty cents per meal, or an annual cost of $54,000 for school districts serving 1,000 students daily—the equivalent cost of retaining a teacher. In high cost areas, the un-reimbursed cost can be significantly more. The numerous new requirements in S. 3307 will exacerbate these operational concerns, and drive school districts' budgets further in the hole. Notably, none of the interest groups or celebrities promoting this bill bears the governmental and legal responsibility of school district officials to deliver services with an annual balanced budget.

School districts simply request that Congress pay for the costs of the federal free and reduced priced school meals, and refrain from imposing new federal requirements particularly in this economic environment. Much attention has been directed to the use of food stamp funds (SNAP) to pay for or offset the cost of the Senate's Child Nutrition bill. Unfortunately, little attention has been focused on the drain of local school district funds to pay for or offset the continuing unfunded costs of the federal free and reduced-priced school meals. We, therefore, recommend a ''no'' vote on S. 3307 and passage of a simple extension of the current programs.

Sincerely,

NOELLE ELLERSON,
American Association of School Administrators.

JEFF SIMERING,
Council of the Great City Schools.

LUCY GETTMAN,
National School Boards Association.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from California (Mr. FARR).

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

Mr. FARR. Madam Speaker, I would like to, first of all, praise the grandmother leadership of Speaker PELOSI and the leader of the committee, GEORGE MILLER. There are no two legislators in the history of the United States Congress who have done more for children than NANCY PELOSI and GEORGE MILLER, and I am really proud to come down and support the bill that they are supporting.

Look, the largest cost to the United States Government is health care. It's a no-brainer that, if you want to cut the costs of government, you have got to invest in wellness. The biggest investment in wellness is children. We can't just be concerned with what we are putting in their minds without being equally concerned with what we are putting in their stomachs. You can't grow a healthy America without nutrition, and we have paid little attention to it.

This bill is the start—it is the beginning—of better wellness in America and of healthier kids with healthier minds so that we can grow to be a competitive country and a healthy country and can bring down the costs of government.

For you who are opposing this bill, it's nonsensical. It's one of those issues where you raise the cost of everything but have no understanding of the value of what you are trying to defeat. The value is a healthier America. That brings down costs.

It is important that we get fresh grown vegetables and fresh grown fruit into our classrooms and get away from all of this processed stuff. Obesity is a huge problem in America. Kids can't qualify to get into the military. Diabetes, which is one of the fastest growing diseases, can be prevented, and it starts with this. It starts with this.

This is a good bill. We ought to all support it just like all the Senators have supported it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DEGETTE). Members are reminded to address their remarks to the Chair.

Mr. KLINE of Minnesota. Madam Speaker, I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself 1 minute.

The suggestion has been made by speakers on the other side that somehow this really isn't about a child nutrition bill, that somehow this isn't about child nutrition and the well-being of our schoolchildren.

The fact of the matter is that's what this bill is all about, and that's what this bill is directed to do. That's why it has received the support of the American Dental Association, the American Diabetes Association, the American Dietetic Association, the American Public Health Association, and the American School Health Association. These are the people who are intimately involved with the health of America's young children. These are the people who are with them in school settings. They see what happens when children don't have proper nutrition throughout the day, and they see the impact it has on their ability to learn, on their ability to focus, and on their ability to participate in class.

□ 1410

That's why this legislation is so important. That's why it has such broad support in the entire nutritional community, in the health care community, in the religious community, in the farm community, and in our urban communities, because they understand the importance of this to the well-being of these children and to the budget of our Nation when we have spent over $147 billion dealing with obesity and diabetes in our society, and we know that it starts, much of it, with a bad diet.

Madam Speaker, I yield 2 minutes to the gentlewoman from California, Ms. BARBARA LEE, the chair of the Congressional Black Caucus.

Ms. LEE of California. Let me first thank the chairman for his leadership and for yielding and for his longstanding commitment and support for child nutrition programs and for our children.

On behalf of the Congressional Black Caucus, first of all I want to thank our Speaker, Congresswoman DELAURO, and, again, Chairman MILLER for their leadership. I have to thank the First Lady for her commitment to child nutrition and for launching the Let's Move program to fight childhood obesity. This program supports the First Lady's goal by reauthorizing and expanding our child nutrition programs to provide healthy, nutritious meals to our Nation's needy children.

The Census Bureau's latest poverty statistics show that poverty is rampant throughout America in both Democratic and Republican districts.

Let me just say, Madam Speaker, I personally know the value of these child nutrition programs. When I was a single mother on public assistance, raising two sons and going to college, I relied on school lunch programs for my children and I was on food stamps. This was really the only way, mind you, that I could feed my kids during some very difficult times.

Unfortunately, this bill, however, feeds low-income children at the expense of the food stamp program. I know that the President and First Lady share this concern—I know Chairman MILLER, our Speaker, Congresswoman DELAURO, the entire body shares this concern—and I know that the President will do everything that he can do to restore these unconscionable cuts, as he guaranteed to us yesterday. He has a deep commitment to our children and to our families, and his leadership on this bill really does demonstrate that.

Today, more people are falling into poverty. Unemployment is at 9.6 percent, and double that in the black and Latino communities. We've got record foreclosures, and we still haven't

passed an unemployment insurance compensation benefit package. We haven't extended this for those who desperately need help.

Addressing the deficit on the backs of the poor while arguing for a $700 billion tax cut for the wealthy is really not who we are as a country. So I urge my colleagues on both sides of the aisle to join us, to join the CBC in supporting this bill.

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

Mr. GEORGE MILLER of California. Madam Speaker, I yield the gentlewoman 30 additional seconds.

Ms. LEE of California. Thank you, Mr. Chairman.

This really should not be a Republican or a Democratic or a Green or an Independent issue. Providing a safety net for those in need during dire economic times is a moral and ethical responsibility that we have.

The Congressional Black Caucus, of course, has always been known as the ''conscience of the Congress,'' and we recognize that, while not perfect, this is a bill that will create healthier children, healthier families, and a healthier country.

And so we thank President Obama, Speaker PELOSI, Chairman MILLER, and our leadership team for moving this bill forward, and we look forward to continuing to work with you to restore the cuts which have been made to the food stamp program.

[From the Census Bureau]

UNITED STATES—CONGRESSIONAL DISTRICTS BY STATE; AND FOR PUERTO RICO (111TH CONGRESS)

GCT1701. Percent of People Below Poverty Level in the Past 12 Months (For Whom Poverty Status Is Determined)

Universe: Population for whom poverty status is determined

Data Set: 2009 American Community Survey 1-Year Estimates

Survey: American Community Survey, Puerto Rico Community Survey

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.

Geographic area	Percent	Margin of error
United States	14.3	±0.1
Alabama	17.5	±0.5
District 1	18.1	±1.3
District 2	19.9	±1.4
District 3	19.6	±1.4
District 4	18.4	±1.4
District 5	13.0	±1.1
District 6	9.1	±1.0
District 7	26.7	±1.6
Alaska	9.0	±0.8
One District (At Large)	9.0	±0.8
Arizona	16.5	±0.4
District 1	20.1	±1.5
District 2	11.0	±0.9
District 3	12.7	±1.6
District 4	31.8	±2.2
District 5	12.2	±1.2
District 6	10.0	±1.2
District 7	23.2	±1.9
District 8	13.3	±1.4
Arkansas	18.8	±0.6
District 1	21.7	±1.2
District 2	15.4	±1.4
District 3	17.5	±1.3
District 4	21.4	±1.3
California	14.2	±0.2
District 1	15.0	±1.1
District 2	15.8	±1.2
District 3	9.6	±1.0
District 4	8.5	±0.9

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 5	21.1	±1.7
District 6	8.7	±0.9
District 7	12.0	±1.5
District 8	12.7	±1.1
District 9	15.6	±1.5
District 10	8.3	±1.1
District 11	8.2	±1.1
District 12	5.9	±0.8
District 13	7.6	±1.1
District 14	8.3	±1.0
District 15	7.5	±1.0
District 16	12.6	±1.5
District 17	17.5	±1.7
District 18	23.9	±1.7
District 19	15.7	±1.5
District 20	29.9	±1.9
District 21	20.2	±1.5
District 22	15.9	±1.4
District 23	16.4	±1.2
District 24	8.8	±1.0
District 25	16.4	±1.5
District 26	6.7	±1.0
District 27	12.4	±1.5
District 28	18.4	±1.5
District 29	12.0	±1.3
District 30	10.0	±1.0
District 31	26.2	±1.7
District 32	15.4	±1.4
District 33	20.6	±1.3
District 34	25.5	±2.2
District 35	20.6	±1.6
District 36	11.8	±1.4
District 37	20.9	±1.8
District 38	13.9	±1.6
District 39	14.3	±1.3
District 40	11.0	±1.4
District 41	17.4	±1.3
District 42	5.4	±1.0
District 43	21.0	±1.9
District 44	11.2	±1.3
District 45	14.7	±1.3
District 46	8.9	±1.1
District 47	18.6	±1.7
District 48	7.3	±0.9
District 49	11.5	±1.1
District 50	8.5	±1.1
District 51	17.4	±1.5
District 52	10.4	±1.4
District 53	19.1	±1.8
Colorado	12.9	±0.4
District 1	18.8	±1.4
District 2	11.6	±1.2
District 3	14.0	±1.1
District 4	16.0	±1.3
District 5	11.6	±1.0
District 6	4.7	±0.7
District 7	15.3	±1.5
Connecticut	9.4	±0.5
District 1	10.2	±1.0
District 2	6.9	±0.7
District 3	10.7	±1.1
District 4	9.5	±1.1
District 5	9.7	±1.0
Delaware	10.8	±1.1
One District (At Large)	10.8	±1.1
District of Columbia	18.4	±1.6
Delegate District	18.4	±1.6
Florida	14.9	±0.2
District 1	16.4	±1.5
District 2	19.1	±1.3
District 3	26.3	±1.9
District 4	11.9	±1.2
District 5	14.2	±1.1
District 6	14.3	±1.2
District 7	13.0	±1.0
District 8	13.0	±1.1
District 9	11.1	±1.6
District 10	11.7	±1.2
District 11	20.9	±1.3
District 12	17.0	±1.3
District 13	13.8	±1.1
District 14	11.6	±1.1
District 15	12.9	±1.2
District 16	14.3	±1.2
District 17	23.5	±1.6
District 18	18.0	±1.2
District 19	10.9	±1.2
District 20	10.7	±1.9
District 21	14.5	±1.4
District 22	11.5	±1.4
District 23	23.9	±1.9
District 24	9.7	±0.9
District 25	14.2	±1.7
Georgia	16.5	±0.4
District 1	19.4	±1.5
District 2	25.3	±1.7
District 3	11.5	±1.0
District 4	19.0	±1.6
District 5	20.9	±1.8
District 6	7.4	±0.9
District 7	11.4	±1.1
District 8	18.3	±1.4
District 9	16.6	±1.5
District 10	20.0	±1.3
District 11	13.0	±1.2
District 12	21.9	±1.4
District 13	15.3	±1.4
Hawaii	10.4	±0.7

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 1	9.4	±0.9
District 2	11.3	±1.2
Idaho	14.3	±0.8
District 1	14.2	±1.1
District 2	14.3	±1.0
Illinois	13.3	±0.3
District 1	23.0	±1.8
District 2	20.9	±1.7
District 3	10.9	±1.5
District 4	20.9	±1.5
District 5	12.2	±1.4
District 6	6.9	±1.1
District 7	24.0	±1.6
District 8	6.8	±1.0
District 9	13.6	±1.4
District 10	7.1	±1.0
District 11	11.3	±1.0
District 12	18.7	±1.2
District 13	5.0	±0.9
District 14	9.8	±1.0
District 15	16.4	±1.4
District 16	12.8	±1.0
District 17	15.2	±1.2
District 18	12.2	±1.0
District 19	11.9	±0.8
Indiana	14.4	±0.4
District 1	13.4	±1.1
District 2	16.3	±1.3
District 3	12.8	±1.1
District 4	11.2	±0.9
District 5	9.2	±0.9
District 6	15.7	±1 2
District 7	24.0	±1.7
District 8	14.6	±1.2
District 9	14.3	±0.9
Iowa	11.8	±0.4
District 1	12.0	±1.1
District 2	13.3	±1.2
District 3	11.0	±1.1
District 4	10.5	±0.8
District 5	12.1	±1.1
Kansas	13.4	±0.6
District 1	12.8	±1.1
District 2	15.9	±1.0
District 3	11.8	±1.0
District 4	13.1	±1.2
Kentucky	18.6	±0.5
District 1	17.7	±1.2
District 2	16.6	±1.3
District 3	15.7	±1.3
District 4	14.8	±1.1
District 5	28.9	±1.8
District 6	18.4	±1.2
Louisiana	17.3	±0.5
District 1	12.7	±1.3
District 2	23.0	±1.8
District 3	15.1	±1.3
District 4	17.5	±1.3
District 5	21.2	±1.4
District 6	15.6	±1.4
District 7	17.7	±1.4
Maine	12.3	±0.7
District 1	9.2	±0.9
District 2	15.6	±1.0
Maryland	9.1	±0.3
District 1	8.2	±0.7
District 2	11.0	±1.2
District 3	10.0	±1.1
District 4	7.1	±1.2
District 5	5.5	±0.8
District 6	8.3	±0.8
District 7	15.5	±1.4
District 8	7.9	±1.0
Massachusetts	10.3	±0.3
District 1	12.3	±1.0
District 2	12.4	±1.1
District 3	9.7	±1.0
District 4	9.7	±1.0
District 5	10.4	±1.2
District 6	7.1	±0.8
District 7	8.3	±0.9
District 8	18.1	±1.4
District 9	7.8	±1.1
District 10	7.1	±0.9
Michigan	16.2	±0.3
District 1	15.3	±1.0
District 2	14.8	±1.0
District 3	14.6	±1.1
District 4	17.5	±1.1
District 5	20.6	±1.3
District 6	17.5	±1.1
District 7	13.6	±1.1
District 8	12.2	±1.2
District 9	9.8	±1.0
District 10	10.6	±1.0
District 11	7.9	±1.1
District 12	13.7	±1.3
District 13	31.9	±2.0
District 14	30.5	±2.1
District 15	15.2	±1.1
Minnesota	11.0	±0.3
District 1	11.2	±0.9
District 2	6.4	±0.8
District 3	6.5	±1.0
District 4	14.7	±1.3
District 5	17.0	±1.3
District 6	7.6	±0.9
District 7	12.0	±0.8

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 8	14.1	±1.0
Mississippi	21.9	±0.6
District 1	19.3	±1.1
District 2	30.3	±1.7
District 3	20.5	±1.3
District 4	18.7	±1.6
Missouri	14.6	±0.4
District 1	20.1	±1.6
District 2	4.8	±0.7
District 3	12.7	±1.2
District 4	14.8	±1.1
District 5	16.0	±1.5
District 6	10.8	±0.9
District 7	18.0	±1.4
District 8	20.5	±1.4
District 9	15.1	±1.2
Montana	15.1	±1.0
One District (At Large)	15.1	±1.0
Nebraska	12.3	±0.6
District 1	13.1	±1.0
District 2	11.2	±1.1
District 3	12.8	±0.9
Nevada	12.4	±0.7
District 1	15.9	±1.4
District 2	12.6	±1.2
District 3	9.3	±1.1
New Hampshire	8.5	±0.6
District 1	8.9	±1.0
District 2	8.1	±0.9
New Jersey	9.4	±0.3
District 1	11.0	±1.1
District 2	11.5	±1.1
District 3	6.3	±0.9
District 4	7.9	±1.0
District 5	4.4	±0.7
District 6	9.6	±1.1
District 7	4.3	±0.7
District 8	14.5	±1.3
District 9	9.2	±1.1
District 10	17.3	±1.5
District 11	3.5	±0.6
District 12	6.1	±1.0
District 13	17.3	±1.6
New Mexico	18.0	±1.0
District 1	16.7	±1.4
District 2	21.6	±1.9
District 3	15.8	±1.3
New York	14.2	±0.2
District 1	5.8	±1.0
District 2	4.8	±0.9
District 3	4.3	±0.8
District 4	6.4	±0.8
District 5	11.2	±1.0
District 6	11.6	±1.4
District 7	17.3	±1.4
District 8	16.3	±1.3
District 9	11.6	±1.1
District 10	25.1	±1.6
District 11	20.1	±1.7
District 12	25.1	±1.4
District 13	11.3	±1.2
District 14	9.7	±1.0
District 15	25.0	±1.9
District 16	38.0	±2.2
District 17	15.7	±1.1
District 18	8.8	±1.2
District 19	8.3	±1.0
District 20	8.8	±0.9
District 21	13.0	±1.0
District 22	15.7	±1.3
District 23	14.5	±1.0
District 24	13.9	±1.0
District 25	12.4	±1.0
District 26	9.4	±1.0
District 27	14.7	±1.1
District 28	20.9	±1.4
District 29	11.0	±0.9
North Carolina	16.3	±0.3
District 1	25.2	±1.2
District 2	17.8	±1.5
District 3	14.2	±1.2
District 4	10.6	±1.0
District 5	13.3	±1.2
District 6	13.5	±1.6
District 7	20.8	±1.4
District 8	18.2	±1.4
District 9	10.4	±1.1
District 10	15.9	±1.2
District 11	16.6	±1.6
District 12	21.6	±1.3
District 13	16.6	±1.3
North Dakota	11.7	±0.8
One District (At large)	11.7	±0.8
Ohio	15.2	±0.3
District 1	17.8	±1.1
District 2	10.8	±1.1
District 3	13.0	±1.1
District 4	14.1	±1.2
District 5	13.1	±1.0
District 6	16.8	±1.3
District 7	14.9	±1.4
District 8	13.9	±1.1
District 9	16.8	±1.3
District 10	15.2	±1.2
District 11	26.3	±1.6
District 12	13.3	±1.1
District 13	14.5	±1.2
District 14	9.0	±1.3

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 15	18.6	±1.3
District 16	12.9	±1.2
District 17	18.5	±1.4
District 18	17.4	±1.2
Oklahoma	16.2	±0.5
District 1	14.1	±1.2
District 2	20.3	±1.2
District 3	15.5	±1.0
District 4	12.9	±1.0
District 5	18.4	±1.3
Oregon	14.3	±0.5
District 1	11.2	±1.2
District 2	15.4	±1.1
District 3	13.9	±1.4
District 4	17.4	±1.2
District 5	13.7	±1.0
Pennsylvania	12.5	±0.2
District 1	28.9	±1.7
District 2	24.7	±1.9
District 3	13.5	±1.0
District 4	8.3	±0.9
District 5	15.8	±1.1
District 6	7.4	±0.8
District 7	6.4	±0.8
District 8	3.9	±0.6
District 9	12.5	±0.9
District 10	12.0	±0.9
District 11	13.3	±1.2
District 12	15.3	±1.0
District 13	10.4	±1.2
District 14	20.3	±1.5
District 15	10.0	±0.9
District 16	11.6	±1.2
District 17	10.6	±1.0
District 18	8.0	±1.0
District 19	7.5	±0.7
Rhode Island	11.5	±0.8
District 1	11.9	±1.1
District 2	11.1	±1.2
South Carolina	17.1	±0.5
District 1	14.1	±1.0
District 2	12.3	±1.0
District 3	19.3	±1.2
District 4	15.6	±1.2
District 5	18.5	±1.2
District 6	24.4	±1.5
South Dakota	14.2	±1.0
One District (At Large)	14.2	±1.0
Tennessee	17.1	±0.4
District 1	19.2	±1.2
District 2	14.2	±1.1
District 3	18.4	±1.2
District 4	17.8	±1.2
District 5	16.0	±1.5
District 6	15.1	±1.2
District 7	10.4	±1.1
District 8	20.5	±1.3
District 9	24.8	±1.9
Texas	17.2	±0.2
District 1	17.1	±1.3
District 2	13.8	±1.1
District 3	11.0	±1.2
District 4	13.8	±1.2
District 5	14.4	±1.5
District 6	14.3	±1.5
District 7	8.2	±1.0
District 8	13.8	±1.1
District 9	22.2	±1.9
District 10	11.1	±1.0
District 11	15.3	±1.0
District 12	14.0	±1.5
District 13	15.1	±1.2
District 14	12.7	±1.1
District 15	32.0	±1.8
District 16	23.3	±1.7
District 17	20.8	±1.3
District 18	26.2	±1.8
District 19	17.7	±1.4
District 20	24.6	±1.8
District 21	10.0	±1.0
District 22	10.3	±1.2
District 23	19.2	±1.5
District 24	9.5	±1.2
District 25	18.1	±1.5
District 26	14.1	±1.3
District 27	26.9	±1.6
District 28	27.8	±1.9
District 29	24.7	±2.0
District 30	27.8	±1.8
District 31	10.7	±0.9
District 32	17.6	±1.7
Utah	11.5	±0.5
District 1	11.5	±1.0
District 2	10.7	±0.9
District 3	12.3	±1.1
Vermont	11.4	±0.9
One District (At Large)	11.4	±0.9
Virginia	10.5	±0.4
District 1	7.6	±0.9
District 2	8.5	±1.0
District 3	19.1	±1.4
District 4	9.8	±0.8
District 5	16.4	±1.2
District 6	14.0	±1.2
District 7	7.5	±0.7
District 8	8.0	±1.1
District 9	18.1	±1.5
District 10	5.4	±0.9

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 11	5.2	±0.9
Washington	12.3	±0.4
District 1	7.6	±1.1
District 2	11.6	±1.1
District 3	12.9	±1.2
District 4	17.6	±1.4
District 5	16.0	±1.1
District 6	15.4	±1.2
District 7	11.6	±1.3
District 8	6.2	±0.8
District 9	12.4	±1.3
West Virginia	17.7	±0.7
District 1	17.1	±1.1
District 2	13.8	±1.2
District 3	22.6	±1.7
Wisconsin	12.4	±0.4
District 1	10.3	±1.1
District 2	13.2	±1.0
District 3	11.9	±0.7
District 4	25.6	±1.7
District 5	5.7	±0.8
District 6	10.5	±0.8
District 7	12.4	±0.7
District 8	10.4	±0.9
Wyoming	9.8	±1.0
One District (At Large)	9.8	±1.0
Puerto Rico	45.0	±0.6
Resident Commissioner District	45.0	±0.6

Source: U.S. Census Bureau, 2009 American Community Survey

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

Notes:

While the 2009 American Community Survey (ACS) data generally reflect the November 2008 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names. codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2000 data. Boundaries for urban areas have not been updated since Census 2000. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Explanation of Symbols:

1. An '**' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.

3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.

4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.

5. An '***' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

6. An '****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

8. An '(X)' means that the estimate is not applicable or not available.

Mr. KLINE of Minnesota. Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his important leadership on the child nutrition program legislation.

In Oregon, we are the third hungriest State in the country, so there is much in this legislation that means a difference immediately to families and children in our State. But indeed, expanding school lunch meal programs to all 50 States, the $40 million in mandatory farm-to-school funding, these are all elements that everybody ought to rejoice about.

Our children deserve our best, the most nutritious food that we can give them, and sadly that is not the case with school lunch programs, as we all know. This bill, while not as good as the bill, Mr. MILLER, that you originally drafted, will help provide more children with healthy food choices.

I am particularly pleased with the additional farm-to-school funding. This will help children, teachers, and local farmers. This is exactly the sort of win-win program we should be focusing on, particularly during difficult economic times.

We all should be troubled by the decrease in the food stamp funding that is used to help deal with the financing deficit in this bill. I hope the administration will indeed work hard with us to find ways to diminish the cut. It is a sad day when the only way we can feed hungry children at school is by taking away food from them at home.

At a time when people are talking with a straight face about borrowing $4 trillion for tax cuts, including hundreds of billions for the most fortunate of Americans, the notion that we would shortchange our children in this fashion is regrettable. We can do better.

The legislation, as it is, before us is an important first step, and I look forward to building upon this foundation so that we can finally give our children, from coast to coast, the nutrition they need and deserve.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself 1 minute.

The speakers on my side of the aisle have expressed concern, as indeed I did, about the pay-for here. This bill proposes to take money from the SNAP program to pay for this, and we have expressed some concern that this is something of a shell game for two reasons. One, it's borrowed money, and if we really want to do some positive things for our children, we should look at not adding billions and trillions more to the debt that they're going to have to pay. But we've had speaker after speaker on the other side of the aisle come down and say things like, The President has assured me that we're not going to actually spend this money or that they're going to work tirelessly to make sure that this pay-for is not in fact the pay-for. So I think the debate has confirmed our suspicion that in fact the promised pay-for is really not there.

Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Utah, a member of the committee, Mr. BISHOP.

Mr. BISHOP of Utah. I appreciate the gentleman from Minnesota allowing me some time.

I come down here in an effort to try and talk, perhaps somewhere balancing this particular act.

There is nothing wrong with child nutrition. There is nothing wrong with trying to provide that kids have the opportunity to be well fed so that they can function in school. There is nothing wrong with the goals or the desires of those who are sponsoring this legislation. Admittedly, there is something wrong with allowing the Senate to write everything and ignoring what the House did and bringing this here on a closed rule, but that's a process issue.

What I wish to do here today though, more than anything else, is to plead the 10th Amendment. There are great and noble goals within this particular bill, but this body is not the only place in which great and noble goals can be accomplished. When we, in this bill, give the Secretary of Agriculture the unlimited control and authority to determine what is food and what is not, what kids will eat and what they will not, by nature of that action we take away that responsibility from local school boards, from parents, from local administrators who actually do care about those kids to a greater degree than even our compassionate concern on this particular level.

When we, in this bill, now mandate an exercise program in order to get funds for school lunches—once again, there's nothing wrong with making kids go outside and exercise. It's noble, but this is not a school board. Those are the issues in which local government and local schools and parents and administrators and educators on that level, that is a prerogative that they should be making because, I hate to say this, but they do know better to the local initiatives and local needs of their kids.

When you add 17 new Federal programs in this particular bill, you automatically, if nothing else, take away the ability of schools to concentrate on what they think is more significant and more important. When you, in this bill, allow the Federal Government to establish what will be paid for a school lunch, you take, once again, flexibility away from local people to meet the needs of their particular area. There is nothing wrong with the goals and attitude and hopes of this particular bill, but we are not a school board.

□ 1420

That's why they are there. They understand. They care about their kids. They should be empowered to make these kinds of decisions, not mandated on how those decisions should be made.

Like I say, I appreciate the sponsor. I appreciate the leader of this committee. I appreciate his goals. But once again, not every idea has to germinate in Washington, not every concept has to be authorized, funded, and regulated in this particular body. I plead the 10th Amendment.

Mr. GEORGE MILLER of California. I yield 2½ minutes to the gentlewoman from Connecticut, ROSA DELAURO and thank her publicly for all of her work on this legislation and on behalf of our children.

Ms. DELAURO. I thank the gentleman from California. I thank him for his entire career as a Member of this House of Representatives and in the past as being a leading champion on what happens to our kids, their well-being, their nutrition, and their best interests. And this bill is another example of his commitment to that effort.

The Hunger-Free Kids Act represents an overdue, a much-needed recommitment to the health and the well-being of our schoolchildren. Our kids today are threatened by a growing obesity epidemic. Far too many kids are struggling and families are struggling with gnawing and unyielding hunger.

Today, people want to talk about ''food insecurity'' and ''food hardship.'' Don't let them use those nice words. It's about one out of four kids going hungry in the United States of America every single day. We have an opportunity to move forward to address that issue today.

The Hunger-Free Kids Act will add 115,000 new students into the school meals program by using Medicaid data to certify eligible kids. It will provide an additional 21 million meals a year by reimbursing providers for after-school meals to low-income children.

While expanding access to meal programs, the bill works to improve the nutritional quality of all of the food in our schools. It sets national nutrition standards. We're going to get junk food that infiltrates our classrooms and cafeterias out the door. For the schools that comply with the revised nutrition standards, it says that there's a first time reimbursement rate increase. Six cents a meal is what we're talking about. The first we've seen in over 30 years. And it does it—all of this that it does is all being fully paid for.

I ask my colleagues on both sides of the aisle: How many programs that get passed in this Congress are fully paid for? We are paying in order to feed our kids.

Our kids consume roughly 35 to 50 percent of their daily calories during the school day. We can pass this bill. They will get enough nutritious food to stay healthy, to grow, to learn, and to succeed. For those who say how can we afford this bill right now, we say how can we afford not to pass it?

Leaving millions of children hungry, leaving millions of children malnourished in the name of budget cutting is penny wise, it's pound foolish, and it is unconscionable. Vote for this bill.

Mr. KLINE of Minnesota. I continue to reserve my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Thank you, Mr. Chairman.

Madam Speaker, this is a very important bill to all of us. When we look at what's happening right now in the United States of America, nearly 5 million women, infants, and children rely upon Federal nutrition programs such as the National School Lunch Program, the WIC programs, and the Child and Adult Care Program.

No one has worked harder than our chairman here, Mr. MILLER, to be able

to protect the American people who are oftentimes struggling between choosing between food and any other of their priorities that they have.

The key reasons why I'm supporting this bill: It increases the school lunch funding to help schools offer healthier meals; it limits the availability of junk food in our schools; and it leverages our public-private partnerships. But also in honor of our First Lady, who's worked very hard in this area, and this will give the resources we need to make those priorities happen.

I commend our chairman. It's way over time, and we need to get this done so people can eat in these very difficult times.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the argument that we have been making in the debate today is that this really isn't about dietary guidelines or even school nutrition strategies. The point was made there are a lot of people caring, from local school boards to Members of Congress and certainly the First Lady. It's not a debate about keeping our children healthy and active. We all want to see our children healthy and active. This is a debate about spending and the role of government and the size of government, a debate about whether we're listening to our constituents or not.

Reauthorizing child nutrition should be easy. We should be able to extend these programs and approve them. We should be able to do that without adding to the cost. I'm confident Members on both sides of the aisle would welcome the opportunity to do just that at no new cost to taxpayers. Unfortunately, that option is not on the table today.

Instead, we are voting on yet another bill that calls for the government to grow, expand, to spend more and intrude more, and I am arguing that this bill is in fact not paid for. It's an argument that I made minutes ago.

I would quote from an article, the newspaper yesterday, I think Congress Daily. It says: ''Antihunger advocates opposed House consideration of the bill before the election because part of the offset for the bill is a cut in future food stamp benefits. But the Food Research and Action Center said last week that its member groups would support the bill as long as Congress and the Obama administration plan to restore the food stamp cut in future legislation.''

We don't know where the pay-for is going to come from. We've got something on paper that says it's going to come out of food stamps, which was money borrowed in the stimulus bill, and yet we really don't know where that's coming from.

So, Madam Speaker, I am arguing that this bill is not what the people want. They want our children to be healthy and active, but they do not want to see government grow. They do not want to see the creation or expansion of 17 new programs. They do not want to see $4.5 billion of new spending. This is not what the people want. It's not what they can afford. This is not a bill I can support. I urge my colleagues to vote ''no.''

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield myself the balance of my time.

Madam Speaker, Members of the House, first of all, I want to begin by thanking the staffs of the committee on both sides of the aisle. We may not agree on this bill, but we spent a lot of time in this committee on hearings and the presentation of facts and the marshaling of those facts and the drafting of legislation. We had an awful lot of cooperation across the aisle, and I want to thank everybody for that effort.

Specifically, on the majority side, I want to thank Gabrielle Serra, Kara Marchione, Kim Zarish Becknell, Ria Ruiz, Jose Garza, Betsy Kittredge Miller, Melissa Salmanowitz, Denise Forte, and Jody Calemine; and Brian Ronholm from Ms. DELAURO's staff; Keith Stern from Mr. MCGOVERN's staff; and Erik Stallman from the Speaker's staff. All of these individuals were helpful in the negotiations not only here in the House and the presentation of this legislation, but monitoring and looking at what was happening in the Senate where this legislation that we're considering today was not only passed out of the Senate with unanimous consent, but it was also passed out of the committee with unanimous consent, where it was given full consideration, where the hearings were made and built the confidence of the members of that committee on both sides of the aisle and built the confidence obviously on both sides of the aisle in the Senate so that it could pass with unanimous consent.

And why has that happened? Because this legislation deals with and addresses in the most profound way the problem of hunger among our schoolchildren, among poor schoolchildren in this Nation.

□ 1430

But we also address the needs of the various institutions that are involved in delivering this nutrition to these children. And that is to the local school districts, to the local schools. And we have simplified the program. We have made it more efficient. We have taken away much of the redundant activity that they used to have to go through to check the same kid four times a day in four different settings. And we got rid of that to reduce the costs of the program. And we received bipartisan support for that effort.

We also made it safer. Up until this legislation was passed, in many instances schools are the last to know that a food recall has taken place, and that the recall may be taking place where the food for the schools is produced. But because they are not on the list, they are not in the protocols, the schoolchildren are put at risk, as we have seen in the recent recalls. So it's safer for those children, it's healthier for those children.

The 6-cent increase in the meal program is the first one in 30 years. And it's with the designed purpose to improve the quality of the meal program. I know these children. I have seen these children. I know them through the Diabetics Association. I know them through the programs on obesity. We have a very serious problem. And this is an effort, agreed to by the Pediatrics Association and others, that this is the way to attack it and to start to build a barrier against childhood obesity and adult-onset obesity. And we have got to change that diet. And that's where major, major savings in health care come from.

So this is a bill that has been thought out in its entirety. It's a bill that is respectful of local control. It's respectful of the needs of school settings and their particular situations. We tried to do that. We listened to school food administrators for districts across this country, all of whom had ideas for efficiencies and improvements. And many of those are ingrained in this legislation. So I would hope that my colleagues, when they would come to the floor later to vote on this bill, will vote for this legislation. They will understand it's fully paid for. They will understand that it received unanimous consent in both the committee in the Senate and on the Senate floor.

With that, I urge the passage of this legislation.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 3307.

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

There was no objection.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 1, 2010.

Hon. GEORGE MILLER,
Chairman, House Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MILLER: I am writing to confirm our understanding regarding S. 3307, the ''Healthy, Hunger-Free Kids Act of 2010.'' The Committee on Energy and Commerce has jurisdictional interest in provisions of the bill. In light of the interest in moving this bill forward promptly, I am not exercising the jurisdiction of the Committee on Energy and Commerce regarding S. 3307, with the understanding that taking this course does not prejudice the Committee's jurisdictional interests and prerogatives on the subject matter of jurisdictional interest contained in this or similar legislation in the future.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation on this matter.

Sincerely,

HENRY A. WAXMAN,
Chairman.

COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES,

Washington, DC, December 1, 2010.

Hon. HENRY A. WAXMAN,

Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN WAXMAN: I am writing in response to your letter of December 1, 2010, regarding S. 3307, the ''Healthy, Hunger-Free Kids Act of 2010.'' I acknowledge that the Committee on Energy and Commerce has jurisdictional interest in provisions of the bill. In the interest of expeditious passage of this critical legislation, I appreciate your willingness to not assert such jurisdictional interests and understand that such action does not prejudice your Committee's jurisdictional interests in this or similar legislation in the future.

I will submit a copy of your December 1, 2010, letter and this response to the Congressional Record during floor consideration.

Thank you for your cooperation in this matter.

Sincerely,

GEORGE MILLER,
Chairman.

Ms. HIRONO. Madam Speaker, I rise in support of the Healthy, Hunger-Free Kids Act, S. 3307, the largest Federal effort in 30 years to fight childhood obesity and hunger in Hawaii and nationwide. Our keiki's health is a crucial priority. I will vote to send this landmark child nutrition bill to President Obama for his signature.

We've seen the statistics. Hawaii faced a 15 percent increase in diabetes rates from 2005 to 2009, and 28.5 percent of youth in Hawaii ages 10–17 are obese. Meanwhile, 9.1 percent of Hawaii residents are ''food insecure,'' lacking consistent access to enough food for a healthy and productive life.

The Healthy, Hunger-Free Kids Act will take crucial steps to fight childhood obesity. The new law will authorize a higher reimbursement rate for schools that serve healthier meals. This is the first reimbursement rate increase in 30 years. The law will apply the latest dietary guidelines to all food served in schools, keeping junk food and soda out of vending machines and the cafeteria. Over 100,000 Hawaii students participate in the Federal school lunch program.

I have visited school gardens at several schools in Hawaii, seeing firsthand how Farm-to-School programs can teach children about healthy eating as part of the curriculum. These programs can also help Hawaii farmers get their food into local schools. The new law includes $40 million in grants for Farm-to-School programs nationwide.

Hungry kids cannot learn. To fight child hunger, the new law will increase reimbursements for programs serving after-school, weekend, and summer meals. The law will also make it easier for schools to automatically enroll students in school lunch and breakfast programs using existing poverty data from Medicaid, foster care, Census, or the Supplementary Nutrition Assistance Program, SNAP, formerly known as food stamps. Currently, schools in many States require families to submit a cumbersome paper application form each year.

The new law also will fund school wellness policies to help schools promote nutrition and physical education. To help new mothers and our youngest children, the bill will support a healthier food packet for over 37,000 Hawaii participants in the Women, Infants and Children, WIC, program, integrating support for breastfeeding and the latest research on neonatal nutrition.

I want to acknowledge that this bill is not as strong as I or some of my constituents would have liked. As a member of the House Education and Labor Committee, I voted for a stronger version of the child nutrition bill that maintained Recovery Act support for SNAP, food stamp, benefits and included an innovative amendment to support plant-based and nondairy food in schools. The House bill also included my amendment to increase reimbursement rates for areas such as Hawaii that have higher food costs. I will continue fighting for these initiatives in the future, but the Senate bill before us today is our last, best hope to make crucial improvements in child nutrition this year. Next year's incoming House leadership has expressed clear opposition to these investments in child nutrition.

Mr. STARK. Madam Speaker, I rise to support the Healthy, Hunger-Free Kids Act. This bill addresses the linked problems of child hunger and child obesity by improving child nutrition programs and ensuring that children have increased access to healthy meals in school and at home.

One in four children in this country is at risk of hunger and one in three is overweight or obese. This is an epidemic and we can start to address it by improving our nutrition programs. For the first time in 30 years, this bill will increase the reimbursement for school meals, allowing schools to serve healthier meals. It will also implement national nutrition standards for school food, allow more low-income children to have access to school meals, make foster children automatically eligible for school meal benefits, and promote breastfeeding.

Passing this bill is the right thing to do and we must pass it now or lose this important opportunity to invest in children. I do regret that part of this legislation is paid for with future cuts to the Supplemental Nutrition Assistance Program, SNAP. The benefit cut authorized by this bill will cause a family of four to lose up to $59 a month out of their limited food budget in 2013. Congress and the President must remain committed to reversing these cuts before they go into effect. I urge the Obama administration to address the gaps in SNAP benefits through all available measures. For example, access to SNAP can be greatly improved by eliminating unnecessary, ineffective procedures, such as the finger imaging used in California, which discourage eligible Americans from applying for benefits.

It is unacceptable that one quarter of America's children are hungry, and that one third are at risk of the health problems associated with obesity. I urge my colleagues to support S. 3307 and stand with me for the health of our children.

Mrs. MCCARTHY of New York. Madam Speaker, I'd like to thank Chairman MILLER for his leadership on this issue.

I'd also like to thank all of our staff who have worked so hard on this bill.

Finally, I'd like to thank the nutrition and anti-hunger groups who have helped raise awareness of this very important issue, including those in my district.

In the Healthy Families and Communities Subcommittee, which I chair, we have worked hard over the last two Congresses on how we should address many important issues through child nutrition reauthorization, including how we can reduce childhood obesity.

As a nurse for over 30 years, I have seen firsthand the risks and illnesses that can result from obesity.

During our bipartisan subcommittee hearings, committee members have heard testimony about studies that one in five 4-year-olds is obese, that kids have the arteries of middle-aged adults, and that the number of children who take medication for chronic diseases has jumped dramatically.

Some of these reports are shocking, and unfortunately, some are not.

Childhood obesity, diabetes and heart disease are all on the rise in the U.S. and one of the best tools we have to combat these illnesses is our ability to provide wholesome and healthy nutrition to children in school.

Childhood obesity is found in all 50 States, in both young children and adolescents, affecting all social and economic levels.

Low income communities tend to have the highest obesity rates due to factors such as a lack of access to affordable, healthy foods, lack of safe, available venues for physical activity, and a lack of education about nutrition and its benefits.

Furthermore, it has been found that minority children are at the greatest risk for obesity.

There is no silver bullet to solve childhood obesity.

However, the School Breakfast and Lunch programs can make a great impact because they may provide more than 50 percent of a student's food and nutrient intake on school days.

Given the current harsh financial realities for many families in my district and throughout the Nation, schools have an increasingly important role to play in providing children with nutritious food during their days.

I also hear from folks in schools finding it more and more difficult to meet the increased demand for meals with healthy, nutritious and high-quality foods, without adequate funding.

We also know how critical it is to reach the youngest children and infants as soon as possible.

I am proud that this bill contains provisions from bills I have introduced which will promote nutrition and wellness in child care settings, and support breastfeeding for low-income women.

We know that change for adults is hard, but if we start to educate our kids early enough, we can establish lifelong habits and the values of healthy living and wellness for the future.

The bill before us contains provisions which are very important to a great number of children.

While the bill doesn't contain everything our House-passed bill contained, it is a strong, commonsense, and hopefully bipartisan effort to improve access to healthy food for children.

But by taking a comprehensive approach to nutrition, our children, families and communities will all be healthier.

I urge my colleagues to vote yes on this bill.

Mr. GRIJALVA. Madam Speaker, the legislation before us includes many important improvements to the child nutrition programs that millions of our nation's children rely on for daily nutrition. As a result of this bill, it will be easier for children in low-income families to get the meals they need. Just as important, the meals they get will be healthier.

The provisions included in the bill have important ramifications for Latino children in particular. Latino children currently make up more

than one in five children in the U.S. and are the fastest-growing segment of the child population. Latino children are also the hungriest in America—making up almost 40 percent of the children struggling against hunger. They are more than four times as likely as white children to be food insecure and hungry. Ironically, they also have one of the highest risks for obesity.

Latino families often experience barriers to participation in federal programs based on language access issues. The number of children who speak English as a second language has grown over the years and families who struggle with English proficiency are now located in many parts of the country where there is no mechanism in place to meet their language access needs. School districts in these areas need guidance and support to help them communicate effectively with parents who do not speak English fluently. Such guidance and support will ensure that eligible children receive the proper nutrition they need during the day through the school meals program. It is of the utmost importance that all eligible children have access to the federal food assistance programs regardless of what language their parents speak or whether their parents can read. Access to our meal programs is essential no matter what language is spoken at home.

Six years ago, in the last reauthorization of the child nutrition programs, Congress clarified that program administrators must communicate with parents in a manner that they can understand. Congress set a clear standard, but left it to the U.S. Department of Agriculture to implement that standard by explaining to school districts and other program operators what they must do to live up to it. To date, USDA has failed to provide this guidance.

As a result, the 16,000 plus school districts in the U.S. have been left to interpret the statutory terms themselves. While the method of assistance to families may differ across states and localities, the federal standards for the level of service should be consistent. In the absence of federal guidance, it is likely that many school districts will not know that a standard exists and may fail to comply. USDA needs to offer guidance so that there is consistency in implementation around the country. There is no reason why a Romanian-speaking parent in Florida, for example, should have more or less help with applying for school meals than a Romanian-speaking parent in Michigan.

School districts are well-positioned to comply with Congress' requirement. They routinely identify the language spoken in the homes of their students. Moreover, for other school matters, they are already required to communicate with parents in a language they can understand. That standard applies to communications regarding the school meals program as well. But school districts need additional direction and support from USDA and states. I urge USDA to clarify when written translations must be used, when oral interpretation will suffice, and how to communicate with parents with limited literacy.

USDA could also strengthen implementation of Congress' standard by supplementing policy guidance with technical assistance. USDA already provides support by making available school meals enrollment materials in 25 languages. School districts around the country need to know where to find these materials and how to obtain oral interpretation services if written materials are not available. USDA could identify and share best practices so that school districts in geographic areas that are experiencing an influx of families who do not speak English fluently will have resources to help them best serve all families with children attending their schools.

Moreover, USDA needs to hold school districts accountable for compliance. For example, school districts could be required to have a written plan in place explaining how families with limited English proficiency will be served. Plus, all reviews of state and local program operations should include a review of compliance with the requirements related to communications with households.

It is unfortunate that several years after Congress took action to ensure that communications with families would be understandable to all families, regardless of what language is spoken at home, we still have so far to go. I call on the USDA to take action quickly to fully implement these standards. Every eligible child should be able to get the healthy meals that the federal government provides and language should not be a barrier to good nutrition. Congress, USDA, states, and school districts must continue to work together to make that goal a reality.

Mr. VAN HOLLEN. Madam Speaker, I rise to support the Healthy, Hunger-Free Kids Act of 2010. This important legislation will expand access to school meals programs and improve nutritional quality. It is a much-needed step forward for the health of America's children.

This bill improves access to school meals programs by streamlining certification of children who meet income requirements without burdensome applications. It provides more universal meal access for eligible children in high-poverty areas. And it increases the number of out-of-school meals for low-income children by allowing reimbursement for Child and Adult Care Food Program providers.

The bill also makes important improvements to the quality of school meals by increasing the reimbursement rates for schools for the first time in over 30 years. Additional grants will help communities establish and strengthen farm-to-school networks and school gardens to use more local foods in school cafeterias. And the bill strengthens nutrition standards for all food served in schools.

This bill is not perfect. I am concerned about using the SNAP program as an offset, and I look forward to working with the Administration to restore those funds before cuts take place in 2013. But this bill, which passed the U.S. Senate unanimously, makes important changes to school nutrition programs and will improve the health of our nation's children. I urge my colleagues to support this legislation.

Mr. LANGEVIN. Madam Speaker, I rise in strong support of S. 3307, the Healthy, Hunger-Free Kids Act, which would reauthorize child nutrition programs including the National School Lunch Program, the Child and Adult Care Food Program, and the Special Supplemental Nutrition Program for Women, Infants, and Children.

As a co-chair of the Congressional Olympic and Paralympic Caucus, I have worked to promote physical fitness and a healthy lifestyle for our nation's children. Physical activity and nutrition are key factors in staying healthy and avoiding chronic illness. Because good health habits begin in childhood, this legislation will go a long way in preventing many chronic diseases.

This bill, which is fully offset, provides greatly needed improvements to our country's child nutrition programs in school and child care settings. This legislation will increase program enrollment and make it easier for low-income children to access benefits. This measure also contains the most significant improvements to these programs in more than 30 years in order to reduce childhood hunger and obesity.

I am also pleased that this legislation establishes national nutrition standards for all foods sold in schools throughout the day—an area in which Rhode Island has led. With 79,000 Rhode Island children participating in the National School Lunch Program and 26,000 participating in the School Breakfast Program, S. 3307 will ensure students do not go hungry throughout the school day by providing access to nutritious meals. This measure also increases funding for school nutrition programs for purchasing fruits, vegetables and nuts, and creates more avenues for produce to flow from local farmers to schools.

While I do not support the elimination of a Supplemental Nutrition Assistance Program temporary benefit increase provided by The American Recovery and Reinvestment Act included in this bill, I will work vigilantly to restore this cut before it goes into effect in 2013.

I encourage all of my colleagues to support this important measure.

Mr. HINOJOSA. Madam Speaker, I rise today in support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010, legislation that will reduce childhood hunger by increasing access to nutritious meals year round, improve the nutritional quality of meals children eat in and outside of school, and support school and community efforts to reduce childhood obesity.

According to the United States Department of Agriculture, USDA, nearly one in four children in the United States is food insecure: that is more than 16 million children who face hunger each day.

In the Río Grande Valley of south Texas, approximately 85 percent of the students in our region are eligible for Free and Reduced Price Meals under the National School Lunch Program. In the State of Texas, 24.3 percent of children live in food insecure households—the second highest rate in the country—compared to 18.9 percent nationwide, according to 2006–2008 data from USDA and Feeding America.

Childhood obesity is also an issue of great concern for the State of Texas. This critically important issue has been linked to the lack of nutritious foods in our nation's schools and communities. According to a report issued by Trust for America's Health and the Robert Wood Johnson Foundation in 2010, Texas ranked seventh in child obesity among the states. Approximately 20.4 percent of Texas children are obese.

In order to keep health care costs down, our nation must do more to prevent obesity and diabetes in our schools and communities. Reducing the prevalence of obesity and diabetes will have an enormous positive impact on my constituents' quality of life, while making their health care more affordable.

We know that children who are hungry or obese are more likely than their peers to suffer from hyperactivity, absenteeism, and low academic achievement. This bill will help improve child nutrition for millions of children,

particularly for low-income children who need to be healthy and ready to learn to succeed in school.

The passage of S. 3307 is the first step in addressing child nutrition. The second step is restoring cuts to future SNAP benefits.

I urge my colleagues, on both sides of the aisle, to vote for S. 3307, an investment of $4.5 billion over 10 years that supports our children in thriving physically and academically and in leading healthy lives.

Mr. DEFAZIO. Madam Speaker, as food insecurity and obesity rates grow in Oregon and around the country, increasing access to affordable and nutritious meals for our children inside and outside of school could not come at a better time. Unfortunately, S. 3307, The Healthy, Hunger-Free Kids Act of 2010, is partially offset by cutting future Supplemental Nutrition Assistance Program, SNAP, benefits. While I believe this is important legislation, cutting SNAP benefits for families to pay for a hunger prevention programs is illogical, and isn't something that I could support. Today, a staggering 20 percent of Oregonians rely on SNAP benefits to pay for their basic food needs, which is the fourth-highest participation rate amongst all states.

I wasn't alone in opposing the cuts to SNAP benefits included in S. 3307. I signed a letter to House leadership, with over 100 of my colleagues, expressing our opposition to these cuts. I was hopeful, that by postponing a vote in the House of Representatives on S. 3307, Congress, along with the Administration, could renegotiate the SNAP offset. While the Administration has promised to work to restore lost SNAP benefits, staggering deficits along with new Leadership in the House of Representatives, has created no clear path to reinstating future SNAP benefits.

Meal programs inside and outside of school serve as a direct line to prevent hunger for needy children. I will continue to support child nutrition legislation that doesn't cut critical SNAP benefits.

Mr. DINGELL. Madam Speaker, I rise today to support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010. This legislation has been a priority of the Obama Administration, and in particular the First Lady, because it is the right thing to do. Together the President and the First Lady have started a national conversation about why reducing child hunger and childhood obesity are laudable goals and I commend them for this. While this is not a perfect bill, today the House has the opportunity to send to the President a bill which will make historic investments and significant improvements to child nutrition programs.

For far too many students, the only quality meal they can count on is the one they receive during the school day, which is why I believe this legislation is critical to pass before the end of the 111th Congress. Last year in Michigan, more than 911,000 students counted on the National School Lunch Program to provide them with a meal. With one in five children living in poverty, the need to provide an affordable, healthy meal at school is greater than ever.

Furthermore, at a time when we are facing a growing child obesity epidemic, it is often difficult to find healthful foods in our nation's schools. That is why I support this legislation's goal to raise nutritional standards, increase the federal reimbursement rate for school lunch programs, and reduce availability of high-calorie junk food which crowds out healthier food options. Our students deserve access to more fresh, local food and healthy options during the school day.

If enacted, this legislation would provide Michigan with $8,391,000 to improve the nutritional quality of school lunches for low-income children across our State, as well as improve access to programs for school meals. Our schools will now receive an additional 6 cents per meal to help meet new meal standards. In addition, this legislation will help ensure the safety of the meals we are serving our students, by improving recall procedures and extending food safety requirements.

I am, however, gravely concerned though about the Senate's decision to pay for this legislation by using $2.2 billion in future cuts to the Supplemental Nutrition Assistance Program or food stamp program. With 1.75 million Michigan residents relying on SNAP to put dinner on the table, this cut is irresponsible. It is my hope that President Obama will follow through on his commitment to replace this offset before these SNAP cuts slash food budgets for needy Michigan families.

Madam Speaker, I have often said that we cannot let the perfect be the enemy of the good, which is why I lend my support to today's bill. I hope my colleagues will join with me in passing the Healthy, Hunger-Free Kids Act, sending it to President Obama's desk before Christmas.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired. Pursuant to clause 1(c) of rule XIX, further consideration of this bill is postponed.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 101) making further continuing appropriations for fiscal year 2011, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 239, nays 178, not voting 16, as follows:

[Roll No. 593]

YEAS—239

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

NAYS—178

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

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

NOT VOTING—16

Barrett (SC)
Brown-Waite, Ginny
Buyer
Davis (IL)
DeFazio
Delahunt
Hastings (FL)
Hastings (WA)
Hodes
Marchant
McMorris Rodgers
Minnick
Radanovich
Speier
Spratt
Wu

□ 1503

Messrs. TAYLOR and CONNOLLY of Virginia changed their vote from ''yea'' to ''nay.''

Ms. BEAN changed her vote from ''nay'' to ''yea.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING REPRESENTATIVE CATHY McMORRIS RODGERS ON BIRTH OF BABY GIRL

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

Mr. HASTINGS of Washington. Madam Speaker and my colleagues, I am very pleased to make a very important announcement: today, a new Republican was born.

Our colleague, CATHY MCMORRIS RODGERS, delivered a baby girl this morning at 12:20. The baby weighed nearly 8½ pounds and is over 20 inches. Both the mother and daughter are doing very well, as is Brian.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1742, the bill is considered read and the previous question is ordered.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. KLINE of Minnesota. Madam Speaker, I have a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KLINE of Minnesota. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kline moves to recommit the bill S. 3307 to the Committee on Education and Labor with instructions to report the same back to the House forthwith, with the following amendments:

Amend section 205 to read as follows:

SEC. 205. CONDITION OF RECEIPT OF FUNDS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by adding at the end the following:

''(u) INELIGIBILITY OF INSTITUTIONS.—An institution shall be ineligible for funds under this section if such institution employs a child care staff member who—

''(1) refuses to consent to a criminal background check that includes—

''(A) a search of the State criminal registry or repository in the State where the child care staff member resides and each State where such staff member previously resided;

''(B) a search of State-based child abuse and neglect registries and databases in the State where the child care staff member resides and each State where such staff member previously resided;

''(C) a search of the National Crime Information Center;

''(D) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

''(E) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

''(2) makes a false statement in connection with such criminal background check;

''(3) is registered or is required to be registered on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

''(4) has been convicted of a felony consisting of—

''(A) homicide;

''(B) child abuse or neglect;

''(C) a crime against children, including child pornography;

''(D) spousal abuse;

''(E) a crime involving rape or sexual assault;

''(F) kidnapping;

''(G) arson; or

''(H) physical assault, battery, or a drug-related offense, committed within the past 5 years.''.

In section 206, strike ''(as amended by section 205)''.

Mr. KLINE of Minnesota (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota is recognized for 5 minutes in support of his motion to recommit.

Mr. KLINE of Minnesota. Madam Speaker, with the clock winding down on the 111th Congress, there seems to be a rush to push through as many bills at the last minute as this majority can manage. Unfortunately, this sprint to the finish means the sacrifice of the deliberative process. This bill was sent to us from the other body with the demand that we accept it as is; that we cannot change a single comma or period, much less improve the policy.

This is a bill that never received a hearing or vote in the Education and Labor Committee. Not a single amendment was made in order for debate, which means here on the House floor Members were not permitted to even discuss possible improvements to the bill.

This motion to recommit is our last chance to improve the bill, our last chance to remove some of its most harmful provisions and insert stronger protections for our children; and that is exactly what we are attempting to do.

First, to protect the safety of children receiving meals in a child care setting, the motion to recommit requires comprehensive background checks for all child care providers. A comprehensive background check searches various criminal databases housed at the State and Federal levels, as well as the National Sex Offender Registry. With taxpayers subsidizing these programs, parents need the peace of mind that comes with knowing that their children are not being left in the care of individuals with a history of violence, child abuse, or other criminal behavior. In fact, many parents today may wrongly believe these child care providers have been given a background check because of the tacit seal of approval that comes with being a federally funded program. Unfortunately, Federal law contains no comprehensive background check requirement for child care providers that receive funding under these nutrition programs. Currently, only 10 States have a comprehensive system that includes a check of the Child Abuse and Neglect Registry, a check of the Sex Offender Registry, and a State and Federal fingerprint check. Simply checking the fingerprint of a current or future child care worker will help advance the safety of countless children.

Next, the motion to recommit eliminates the middle class tax included in this proposal. Any time the Federal Government forces a private citizen to reach into his or her own pocket and pay more for a good or service, it is a tax by any commonsense definition of the word, and that is exactly what this provision would do. It creates a Federal price floor for paid school lunches, a floor for paid school lunches, forcing many schools to increase the prices they charge the children who do not receive free or reduced price meals.

The National Governors Association and leading school groups have spoken out in opposition to this provision because it will drive up costs for families and punish schools that have worked hard to hold down costs while providing higher quality meals.

□ 1510

In a letter to Congress, the NGA wrote, this provision ''would establish a Federal mandate for every paid meal in every school in the country for the first time ever.'' They went on to say this will, ''price out some low-income families from paid school meals and punish school districts that in good faith have worked to increase the quality of school meals, while simultaneously holding down the paid meal prices.''

Allowing the Federal Government to create price mandates is a dangerous precedent and should not be set. By approving this motion to recommit, we can block this harmful tax on working families. We have thoroughly debated the broader objections to this legislation today, arguing against the spending and mandate, but that is not the debate we're having now.

This motion to recommit is a modest pair of corrections that will make the bill better. It will make our children safer and protect working families, and I urge my colleagues to support its passage.

I yield back my time.

Mr. GEORGE MILLER of California. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, Members of the House, we have known for some time, and certainly known all today, that our colleagues on the other side of the aisle oppose this legislation, and that's what the gentleman, my colleague, Mr. KLINE, just spoke to, his opposition to this legislation.

They have opposed this legislation even though this legislation is fully paid for under the PAYGO rules. They've opposed this legislation even though it passed unanimously out of the Senate committee. They opposed this legislation even though it passed unanimously on the floor of the Senate and was sent to us, because they know that we're in the last days of this session, and if they can attach something to this legislation, they can kill this bill.

They can kill the years of hard work that have gone into this legislation to make it less expensive for school districts, to make it more flexible for school districts, to make it easier on parents, to make it sure that we have safe meals so, when food is recalled, the school districts will be informed right away. Usually, they're the last to know that they're serving dangerous and maybe lethal food on the food recall.

They know that what this bill does is create for the first time healthy meals so we can address the problems of diabetes and obesity that are swamping this Nation's health care system, that are swamping the health care budgets of families, of businesses, that start with children and have adult onset as a result of that. This effort is endorsed by the pediatrics association and every other health care association because they understand this is the front line if we're going to reverse this trend.

So now what have they done, as they've talked about the Federal Government, extending the mandate of the Federal Government? The Federal Government is about to swoop in on family day care providers, more family day care providers than any other kind of day care provider in the country, very important in rural areas, very important in poor areas, person takes care of four or five of their neighbors' friends, they know these people. Now they have a mandate. They have to do a background check. These are marginal operations. Do they have to pay for that? Do they know with certainty who's going to do that? Who's going to do that check? And if they're in a school setting, does the school district pay for it? They've got to have a background check. If they're in a kindergarten as part of a child care program, do they pay for that?

So what they're trying to do is kill this bill. It wouldn't matter what this amendment said. If it goes back to the Senate, we've struggled all of us mightily, on both sides of the aisle, with the nature of the Senate. But here we have the opportunity to have a major program, to improve the nutrition and flexibility and the health and the safety of this program, and now this is an effort to kill it.

I yield to the majority leader.

Mr. HOYER. I thank the gentleman for yielding.

Ladies and gentlemen, we all want to pursue the legislative process. One of the things that has undermined the legislative process in this House perhaps on both sides is the ''gotcha'' amendments. This amendment has a worthwhile objective, obviously, of protecting our children. We're going to give everybody an opportunity to vote on this amendment in just a few short hours, and then we're going to pass this bill—because the gentleman's debate had nothing to do with this amendment until the last few seconds of his remarks.

His remarks went to the substance of this bill. He's opposed to this bill. He said he's opposed to this bill. This bill passed unanimously. Unanimously means that every Republican, as well as every Democrat, wanted to reach out to provide for child nutrition for America's children.

This bill, I believe, enjoys the majority's support on this floor. We'll pass this bill, and we will pass it tomorrow, but we're going to give Members on this side of the aisle, as well as on your side of the aisle, an opportunity to pass an amendment that in effect says, okay, if you want to put these regulations on these small providers in these small jurisdictions, fine, we will do it; we want to protect children as much as you do. And I've said that during the substance of our debate, that we wanted to protect children, and I'm sure you want to make sure the children are well fed.

So, my belief is that we will rise now. We will come back on this amendment, which is not related. We'll give you an opportunity to vote on your amendment, and then we are going to pass this bill and send it to the President of the United States, as the Senate of the United States unanimously voted to do.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of S. 3307 is postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1217,

H. Res. 1724, both de novo.

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

HONORING FORT DRUM'S SOLDIERS OF 10TH MOUNTAIN DIVISION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1217) honoring Fort Drum's soldiers of the 10th Mountain Division for their past and continuing contributions to the security of the United States, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. OWENS) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Ms. ESHOO. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

[Roll No. 594]

AYES—415

Ackerman	Austria	Barton (TX)
Aderholt	Baca	Bean
Adler (NJ)	Bachmann	Becerra
Akin	Bachus	Berkley
Alexander	Baird	Berman
Altmire	Baldwin	Berry
Andrews	Barrow	Biggert
Arcuri	Bartlett	Bilbray

Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Barrett (SC)
Brown-Waite, Ginny
Buyer
Davis (IL)
DeFazio
Delahunt
Dingell
Etheridge
Hastings (FL)
Hodes
Kennedy
Marchant
McMorris Rodgers
Minnick
Radanovich
Sessions
Speier
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1534

Mr. SKELTON changed his vote from ''no'' to ''aye.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and of all who serve in our Armed Forces and their families.

COMMENDING THE CITY OF JACKSONVILLE, ARKANSAS

The SPEAKER pro tempore (Mrs. CAPPS). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1724) commending the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there and their families, and the Air Force, as amended.

The Clerk read the title of the resolution.

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

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 595]

YEAS—411

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)

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

NOT VOTING—22

Barrett (SC)
Blackburn
Boehner
Brown-Waite, Ginny
Buyer
Cardoza
Davis (IL)
DeFazio
Delahunt
Gordon (TN)
Hastings (FL)
Hodes
Kennedy
Marchant
McMorris Rodgers
Miller (FL)
Minnick
Pingree (ME)
Radanovich
Speier
Woolsey
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1545

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

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Commending the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there, and their families.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MCMORRIS RODGERS. Madam Speaker, on rollcall No. 587 on H. Res. 1742, ordering the Previous Question providing for consideration of S. 3307, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 588 on H. Res. 1742, agreeing to the resolution providing for consideration of S. 3307, the Healthy, Hunger-Free Kids Act, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 589 on H. Res. 1741, agreeing to the resolution providing for consideration of H.J. Res. 101, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 590 on H. Con. Res. 323, supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 591 on H. Res. 1735, condemning North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 592 on H. Res. 1430, honoring and saluting golf legend Juan Antonio "Chi Chi" Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus Institute, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 593 on H.J. Res. 101, making further continuing appropriations for Fiscal Year 2011, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 594 on H. Res. 1217, honoring Fort Drum's soldiers of the 10th Mountain Division for their past and continuing contributions to the security of the United States, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 595 on H. Res. 1724, commending the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there and their families, and the Air Force, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ETHERIDGE. Madam Speaker, on H. Res. 1217, I was unavoidably detained. Had I been present, I would have voted ''yes.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

□ 1550

ACCREDITATION OF ENGLISH LANGUAGE

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (S. 1338) a bill to require the accreditation of English language training programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1338

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

SECTION 1. ACCREDITATION OF ENGLISH LANGUAGE TRAINING PROGRAMS.

(a) IN GENERAL.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(F)(i), by striking ''a language'' and inserting ''an accredited language''; and

(2) by adding at the end the following:

''(52) The term 'accredited language training program' means a language training program that is accredited by an accrediting agency recognized by the Secretary of Education.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall—

(A) take effect on the date that is 180 days after the date of the enactment of this Act; and

(B) apply with respect to applications for a nonimmigrant visa under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) that are filed on or after the effective date described in subparagraph (A).

(2) TEMPORARY EXCEPTION.—

(A) IN GENERAL.—Notwithstanding section 101(a)(15)(F)(i) of the Immigration and Nationality Act, as amended by subsection (a), during the 3-year period beginning on the date of the enactment of this Act, an alien

seeking to enter the United States to pursue a course of study at a language training program that has been certified by the Secretary of Homeland Security and has not been accredited or denied accreditation by an entity described in section 101(a)(52) of such Act may be granted a nonimmigrant visa under such section 101(a)(15)(F)(i).

(B) ADDITIONAL REQUIREMENT.—An alien may not be granted a nonimmigrant visa under subparagraph (A) if the sponsoring institution of the language training program to which the alien seeks to enroll does not—

(i) submit an application for the accreditation of such program to a regional or national accrediting agency recognized by the Secretary of Education within 1 year after the date of the enactment of this Act; and

(ii) comply with the applicable accrediting requirements of such agency.

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

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

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

There was no objection.

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

Madam Speaker and Members, S. 1338 requires that visas for foreign students seeking to attend English schools in the United States only be granted when the student attends a school accredited by an agency recognized by the Secretary of Education. What we found, in short, is that some of these language schools are undermining the laudable mission of this visa program. And it has been determined that many of them are not even attending schools.

So thanks to the diligence of the chairman of the Committee on Financial Services, BARNEY FRANK, we have introduced the bill. The Senate has passed the same bill. Now it is over here for our final approval. But before I reserve the balance of my time, I would thank LAMAR SMITH, the ranking member of the Judiciary Committee.

I reserve the balance of my time.

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

Madam Speaker, I support S. 1338, which requires the accreditation of English language training programs for student visa holders, and I am a cosponsor of the House version of the bill. Accreditation of English programs will ensure that foreign students here on temporary visas receive the high-level English language education they deserve and expect. And this legislation will help give the students a positive experience in America as well.

The bill prevents fraud in the student visa program and raises the quality of English language training programs in the United States. It does so by requiring accreditation, which is achieved only after certain learning criteria are met.

Under the Immigration and Nationality Act, a foreign national can get a student visa to study at a U.S. college, high school, or other learning institution such as an established ''language training program approved by the Secretary of Homeland Security after consultation with the Secretary of Education.'' This bill requires that a nonimmigrant foreign student seeking to enter the United States to study at a language training program must enroll in a program that is recognized and accredited by the Secretary of Education. The Senate has passed this legislation by unanimous consent, and I urge my colleagues to support it as well.

Intensive English Programs (''IEPs'') serve to teach English to foreign students. There are 90,000 such students in the United States. The programs range in length from two weeks to one year, but average 12 weeks. There are nearly 1,000 IEP's in the U.S., and students must study a minimum of 18 hours per week to meet their visa requirements.

Currently all IEPs must be officially recognized, but that sometimes means there is just a check to see that the building in which the IEP is supposedly located, actually exists. The result of such lax monitoring is widespread fraud in the IEP community.

Illegitimate IEPs either do not teach English well or serve as scams for individuals who want to come to the United States through fraudulent means. In April 2008, the Los Angeles Times reported, ''The operator of two English language schools was charged Wednesday with running a scheme that allowed foreign nationals, including several Russian prostitutes, to fraudulently obtain student visas to enter and stay in the United States.''

In April 2009, two individuals who ran an English language school for immigrants in Duluth, GA, were indicted for submitting fraudulent documents to the Department of Homeland Security. They did so in order to get student visas for ''dozens, and perhaps hundreds, of 'students.' ''

And last March agents in the Miami Immigration and Customs Enforcement Office conducted the ''largest single visa fraud takedown in [the] agency's history,'' when they arrested two women who helped obtain fraudulent student visas for over 200 individuals who were supposedly attending an English school, but who were not actually doing so.

Such fraudulent programs, along with IEPs that do not function well, tarnish the reputation of the entire IEP industry. That's why the American Association of Intensive English Programs supports this legislation. And legitimate IEPs are interested in ensuring the quality of their programs.

Under this bill, IEPs can meet the accreditation requirement in one of two ways. First, they can be under the governance of a university or college that has been accredited by a regional accrediting agency recognized by the U.S. Department of Education. Or, second, they can be individually accredited by The Accrediting Council for Continuing Education and Training or the Commission or English Language Program Accreditation.

The three typical steps in the accreditation process are (1) the completion of a written self-study that documents how the program or institution meets the standards of the accreditation agency; (2) a site visit by an agency team to verify that standards are being met; and (3) follow-up measures on the part of the school to correct any deficiencies, subject to review and final approval by the accreditation agency.

Currently, many legitimate IEPs are voluntarily becoming accredited on their own.

I urge my colleagues to support passage of this bill.

Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Madam Speaker, I want to thank my friend from Texas for yielding.

This legislation is a good piece of legislation. I urge my colleagues to support it.

But there are other issues that I think need to be addressed today. There has been bipartisan agreement across this country and in Congress that blanket moratoriums on offshore drilling hurts America when it comes to jobs and energy. Yet the Obama administration has suddenly imposed a moratorium that closes the eastern Gulf of Mexico and the entire Atlantic coast.

Madam Speaker, this is the wrong way to respond to the BP oil spill. It hurts our economy and job creation. The answer is not to say America can't figure it out and we should rely on other countries to produce our energy. The right answer is to find out what went wrong and make the effective, timely reforms that ensure that U.S. offshore drilling is the safest in the world.

The Deepwater Horizon spill was a terrible tragedy; but this is a great country, Madam Speaker, and we shouldn't allow this single event to disrupt our long-term need to develop an all-of-the-above energy plan that includes the responsible development of our Nation's offshore oil and gas reserves.

The administration has taken us in the wrong direction. Instead, we need to be working to keep and create energy jobs here in America.

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

Mr. CONYERS. I am going to yield back, but can I ask my friends on the other side, if you have got another subject matter you want to introduce on a bill, can you wait until we pass the bill and then make your speech about whatever you want?

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, S. 1338.

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

A motion to reconsider was laid on the table.

HELP HAITIAN ADOPTEES IMMEDIATELY TO INTEGRATE ACT OF 2010

Mr. CONYERS. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5283) to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as—

(1) the ''Help Haitian Adoptees Immediately to Integrate Act of 2010''; or

(2) the ''Help HAITI Act of 2010''.

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN HAITIAN ORPHANS.

(a) IN GENERAL.—The Secretary of Homeland Security may adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

(1) was inspected and granted parole into the United States pursuant to the humanitarian parole policy for certain Haitian orphans announced by the Secretary of Homeland Security on January 18, 2010, and suspended as to new applications on April 15, 2010;

(2) is physically present in the United States;

(3) is admissible to the United States as an immigrant, except as provided in subsection (c); and

(4) files an application for an adjustment of status under this section not later than 3 years after the date of the enactment of this Act.

(b) NUMERICAL LIMITATION.—The number of aliens who are granted the status of an alien lawfully admitted for permanent residence under this section shall not exceed 1400.

(c) GROUNDS OF INADMISSIBILITY.—Section 212(a)(7)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(A)) shall not apply to an alien seeking an adjustment of status under this section.

(d) VISA AVAILABILITY.—The Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) for any alien granted the status of having been lawfully admitted for permanent residence under this section.

(e) ALIENS DEEMED TO MEET DEFINITION OF CHILD.—An unmarried alien described in subsection (a) who is under the age of 18 years shall be deemed to satisfy the requirements applicable to adopted children under section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) if—

(1) the alien obtained adjustment of status under this section; and

(2) a citizen of the United States adopted the alien prior to, on, or after the date of the decision granting such adjustment of status.

(f) NO IMMIGRATION BENEFITS FOR BIRTH PARENTS.—No birth parent of an alien who obtains adjustment of status under this section shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this section or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. COMPLIANCE WITH PAYGO.

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

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

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. CONYERS. I yield myself as much time as I may consume.

Madam Speaker, Members of the House, this bill, entitled the Help HAITI Act of 2010, was introduced by the gentleman from Nebraska (Mr. FORTENBERRY). It is incredibly important that we finish the job we undertook when we rescued just over 1,200 Haitian orphans immediately following the earthquake that devastated Haiti on January 12 earlier this year.

□ 1600

All in all, 1.5 million people were directly affected in terms of human and economic impact. It was one of the worst natural disasters ever recorded in the Western Hemisphere.

In response to this disaster, the Department of Homeland Security instituted a policy for the immediate evacuation of Haitian orphans who had been adopted or were in the process of being adopted as citizens.

Now, in the United States with their adoptive or prospective adoptive American parents, these children need one more bit of assistance. Had the earthquake not hit and disrupted the adoption process in Haiti, each of these children would have entered the country as United States citizens under current immigration law.

But because of the emergency procedures used to evacuate these children, they must now wait years before they can get permanent residency and years more before they can qualify for citizenship. Some are even running the risk of aging out even before they can get their residency, which would make them ineligible for legal status in the country.

So what the measure before us does is treat these children as if they had come to the United States under the normal adoption procedures that would have applied had the earthquake not occurred and required hastening their move.

It is with that in mind that I am pleased to thank the bipartisan efforts of the Judiciary Committee, starting with the ranking member, LAMAR SMITH; the immigration subcommittee chair, ZOE LOFGREN; and, of course, Judge Poe, who is leading the measure on the other side.

With that, I reserve the balance of my time.

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

I strongly support H.R. 5283. Madam Speaker, earlier this year, Haiti was hit by a massive earthquake and hundreds of thousands of people died. In reaction, the Department of Homeland Security announced a humanitarian parole policy under which orphaned Haitian children who were in the middle of an adoption process with prospective Americans would be immediately brought to the United States. Under this policy, about 1,200 Haitian children, orphans, came to the United States.

Since adoption proceedings were not yet completed when these children were brought to this country, they will have to live with their adoptive parents for 2 years before being eligible for permanent resident status in the United States. In the interim, they remain in parole status, which is to be renewed each and every year.

This legal limbo can be stressful to the children and to the families who have adopted them. We must remember, Madam Speaker, these children had already been approved for adoption to American parents.

Additionally, Representative FORTENBERRY from Nebraska was concerned about the impact of this delay on children and circumstances such as the death of adoptive parents. Mr. FORTENBERRY therefore introduced the Help HAITI Act of 2010. This bill grants immediate permanent residence to the airlifted Haitian orphans.

This legislation completes the humanitarian endeavor launched by the Department of Homeland Security and secures the futures of children who have already suffered a great deal. It is in the best tradition of American humanitarian response. The House has already passed the Fortenberry bill by voice vote. The Senate made some minor changes and passed the bill by unanimous consent.

I know personally how important this bill is to the children and families of this country. The Parker family, from my district in Kingwood, Texas, contacted my office shortly after the earthquake that devastated Haiti to get help in finalizing the adoption of their son.

Before the earthquake, the Parker family had been in the process of adopting a young Haitian named Ronel. Prior to the earthquake, Ronel had been cleared to immigrate to the United States. But after the bureaucratic breakdown following the earthquake, his adoption was held up. Fearing for Ronel's safety, Mr. Parker flew down to Port-au-Prince and slept on the floor of the United States Embassy for several days as he haggled with United States and Haitian authorities to permit the adoption. Finally, after many sleepless nights, the adoption was permitted and Ronel was allowed to fly to his new home in Kingwood, Texas.

A few weeks after making his way to his new home, I was fortunate to meet this young American. Although he was still learning English, and I don't speak Creole very well, we communicated just fine. My staff even took up a collection to buy him his first pair of Texas cowboy boots. It was clear that he was very intelligent and had a strong heart, and he was very happy to be in America with his new American family. I am confident that Ronel will grow up to be a fine American and a fine Texan, and we are proud to have him in this country.

It is for children like Ronel and the families like the Parkers that I urge support for this legislation. The families of these 1,200 Haitian adoptees have gone through enough, and these parents are to be admired by all of us.

I urge my colleagues to pass this bill, as amended by the Senate, so we can send it to the President for his signature.

I reserve the balance of my time.

Mr. CONYERS. I want to commend Judge TED POE as a gentleman and a scholar, and we are proud of his service on the Judiciary Committee.

I yield as much time as she may consume to the gentlewoman from Texas, SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Chairman. Thank you for your leadership on this issue. Thank you to Mr. FORTENBERRY and my friend and colleague from the State of Texas, Judge POE.

This is a response to a humanitarian crisis. Some of us had the opportunity and somewhat of a privilege to be in Haiti this past Sunday. I am here to report that there are still 1.5 to 1.6 million persons still displaced, many of them living in various camps. There is need for the continued removal of rubbish and the debris that we all saw in horror on January 12 of 2010.

So this is an enormously important initiative because it addresses the question of almost 1,200 Haitian orphans which were airlifted and rescued on that fateful day. They now live in limbo, and it is important to note for my friends on the floor of the House that if they were to return, it is a country that struggles to survive.

Let me applaud the Haitian Government for its concern about Haitian children and Haitian orphans and to make sure that there is no abuse and misuse of those children. But we know that many of these children, all of these children, are in loving homes here in the United States. There are families that still want to endorse the idea of adoption of Haitian children. All of them are willing to do it in the right way.

But this legislation helps those who are here to give them permanent residence status, to allow them to obtain status so that they can pursue the act of citizenship once the Government of Haiti is in operation.

On this past Sunday, there was an election, and many of you heard of the challenges that were faced. Some of us still believe that those challenges of allegations of fraud need to be corrected. But we do know that Haiti needs a stable and supporting government, and we know that these children need a loving family. It is important, then, to provide them with this particular effort, this bridge, that will take them to the next level, the next step.

Let me thank the many parents who simply have love to share with these children, these adoptive American parents who need assistance now. Let me thank you and acknowledge to you that there are Members of Congress who are particularly sensitive to this issue.

Just a few months ago I traveled to Haiti with Senator MARY LANDRIEU and DEBBIE WASSERMAN SCHULTZ. Our focus was on the children—their schooling, their access to health care, and, yes, the ability for them to be adopted in an expedited or an efficient manner.

So, therefore, I ask my colleagues to support this legislation as, really, the first step in what will be many, many steps on the journey of the restoration of Haiti and the Haitian people. They are resilient. And I would like to thank the Haitian Americans and those who still struggle to survive, because it is still important for us to say we will not forget you.

□ 1610

Mr. POE of Texas. Madam Speaker, I yield to the gentleman from Nebraska (Mr. FORTENBERRY), the sponsor of the original legislation, as much time as he wishes to consume.

Mr. FORTENBERRY. Thank you, Judge POE, for the time. And I also wish to thank Chairman CONYERS as well as Chairwoman LOFGREN of the Immigration Subcommittee and LAMAR SMITH, the ranking member on the full committee, for your efforts in this regard, especially your diligence in getting this to the floor today.

I also, Madam Speaker, want to thank the many adoptive families, members of the international adoption community and others who have worked behind the scenes to spur action today. Thanks to this outreach of so many concerned Americans, Congress is finally doing the right thing here to help as many as 1,200 voiceless and vulnerable Haitian orphans and their adoptive American families. We can now give these new families, who have endured so much heartbreak and tragedy, the comfort of knowing that their children's legal status is now in good order.

Many of us received heartbreaking calls for help in the wake of the January 12 earthquake. American families in various stages, as we have heard, of adopting Haitian orphans feared for the safety and the security of their children. Extraordinary work was done swiftly to evacuate these children and unite them with their new families on U.S. soil. Yet instead of coming here as fully adopted U.S. citizens, these children arrived under a legal status known as humanitarian parole.

Due to a destructive, unpredictable act of nature, the normal process for international adoptions in Haiti was upended, and these American families were prohibited from finalizing the adoptions in Haitian courts. While their status remains in limbo, these vulnerable children have fewer legal protections, may not be eligible for critical resources, and potentially risk being forced to return to Haiti. With each passing day, some children are aging out of the international adoption system as well. Once a child turns 16, he or she may no longer gain U.S. citizenship through adoption.

So the urgency is clear. I recently spoke, Madam Speaker, with the mother of a Haitian orphan who just turned 16. We have to act. We need to pass this bill today to give so much more security to these generous American families who have opened their hearts and homes to children in extraordinary need.

Again, I want to thank all of those who have been involved in helping get this important legislation to the floor today.

Mr. CONYERS. Madam Speaker, I now recognize the gentlewoman from Brooklyn, New York, YVETTE CLARKE, for as much time as she may consume. And I note that she has the second largest number of Haitians and Haitian Americans in her congressional district.

Ms. CLARKE. Let me thank you, Chairman CONYERS, for your conscientious in bringing this legislation to the floor. I rise today as a proud cosponsor of H.R. 5283, the Help HAITI Act of 2010, introduced by my colleague, Congressman JEFF FORTENBERRY. This bill normalizes the immigration procedures for certain adopted Haitian orphans that received humanitarian parole between January 18 of 2010 and April 15, 2010. It allows their adoptive families, who are U.S. citizens, to apply immediately on their behalf to become legal permanent residents and eventually qualify for citizenship.

As a representative of the second-largest population of first- and second-generation Haitian immigrants, Haiti has been at the core of my Caribbean agenda. That is why I'm extremely concerned that more than 1,000 paroled Haitian orphans being adopted by American families remain in immigration limbo due to a legal technicality. At least 50 orphans reside in my district alone.

It is alarming that these children have to wait 2 years before they are granted legal permanent residency. If this situation is not addressed, these children will remain in this country without certain legal protection and are in jeopardy of being separated from their adoptive family and deported back to Haiti, where they have no family.

The legal technicality that puts these children in such a precarious position is yet another example of why

our Nation needs comprehensive immigration reform. That is why I'm committed to working with my colleagues to make immigration reform a reality as soon as possible. Our national security is at stake, our moral standing in the world depends upon it, and the American people, many of whom are first- and second-generation immigrants, demand it. I urge Congress to take a fresh look at the antiquated policies and bureaucratic backlog that tear families apart and devastate our communities.

Finally, I commend Congressman FORTENBERRY and Senator GILLIBRAND for addressing this issue and their continued support for the people of Haiti.

Mr. POE of Texas. Madam Speaker, I want to thank the chairman for bringing this legislation to the floor. It's very important to the Parker family in my district, the people that Mr. FORTENBERRY in Nebraska mentioned, and the 1,200 families and children that are going to now have a good Christmas because that legislation has passed in the House.

I yield back the balance of my time.

Mr. CONYERS. I yield back as well.

The SPEAKER pro tempore (Ms. MARKEY of Colorado). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5283.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ASIAN CARP PREVENTION AND CONTROL ACT

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (S. 1421) to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1421

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 ''Asian Carp Prevention and Control Act''.

SEC. 2. ADDITION OF SPECIES OF CARP TO THE LIST OF INJURIOUS SPECIES THAT ARE PROHIBITED FROM BEING IMPORTED OR SHIPPED.

Section 42(a)(1) of title 18, United States Code, is amended by inserting ''of the bighead carp of the species Hypophthalmichthys nobilis;'' after ''Dreissena polymorpha;''.

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

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Madam Speaker and Members of the House, S. 1421 prohibits importation and interstate shipment of certain species of carp and amends section 42 of title 18 of the code to add the bighead variety of the species commonly known as Asian carp to the list of injurious species that are prohibited from being shipped in or imported into the United States.

Asian carp are a significant threat to the Great Lakes because they are large, extremely prolific, and consume vast amounts of food. They can grow to more than 6 feet in length and weigh in excess of 100 pounds, quickly dominating the waters they inhabit and eating as much as 40 percent of their body weight daily.

Researchers caution that these fish could pose a significant risk to the Great Lakes ecosystem by damaging habitats and disrupting the food chain that supports native fish. In the 1970s, two species of Asian carp, the bighead and silver, were imported by catfish farmers to remove algae and suspended matter from their ponds. During large floods in the early 1990s, many of the catfish ponds overflowed their banks, and the Asian carp were released into local waterways in the Mississippi River basin.

In an effort to prevent the carp from getting to the Great Lakes, a barrier was constructed in the Chicago Sanitary and Ship Canal which connects the Mississippi River to the Great Lakes. Unfortunately, the Asian carp are steadily making their way northward up the Mississippi, and Asian carp DNA has been discovered beyond the barrier.

If these carp reach Lake Michigan, they are likely to spread throughout the Great Lakes, where they would threaten the environment and the economy. The Great Lakes are some of the most unique bodies of water on the planet, and they would threaten not only the commercial but recreational fishing on the lakes, both of which are major contributors to the economies of Great Lakes States.

The Asian Carp Prevention and Control Act lists the bighead variety of the species called Asian carp as injurious to wildlife under the Lacey Act. And by including them in the Lacey Act, this bill will prohibit importation or interstate transportation of live Asian carp without a permit.

□ 1620

It is our hope that this will help deter further intentional or accidental introduction of the species into our waterways.

It should be noted that this legislation does not interfere with existing State regulations of Asian carp. In addition, permits to transport or purchase live Asian carp can still be issued for scientific, medical, or educational purposes.

I commend my colleagues, the senior Senator from Michigan, CARL LEVIN, and Senator GEORGE VOINOVICH, co-chairs of the Great Lakes Task Force, for introducing this legislation, and hope it will be favorably considered in this body.

Madam Speaker, I reserve the balance of my time.

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

S. 1421, the Asian Carp Prevention and Control Act, amends the Lacey Act to designate the ''big head'' species of Asian carp as injurious fish. This bill was introduced by Senator CARL LEVIN of Michigan and recently passed the Senate by unanimous consent. My colleague, Mrs. BIGGERT from Illinois, sponsored the House companion bill to this legislation, H.R. 3137, and has been a tireless champion of this legislation.

According to the Environmental Protection Agency, Asian carp were imported by catfish farmers in the 1970s to remove algae from their commercial ponds. During large floods in the early 1990s, many of the catfish farm ponds overflowed their banks and the Asian carp were released into local waterways in the Mississippi River basin.

The carp have steadily made their way north up the Mississippi, becoming the most abundant species in some areas of the river. Dubbed the ''underwater lawn mower,'' these enormous fish have become a menace to native species and their habitats. Asian carp can grow to over 4 feet long and over 100 pounds in weight. These fish can consume nearly three times their body weight in food each day. As a result, Asian carp leave little food or no food supply for the other fish.

As the fish move upstream toward the Great Lakes, they threaten the food supply of sport fish such as the yellow perch, walleye, and small mouth bass. Carp are well-suited to the climate of the Great Lakes region, which is similar to their native Asian habitats.

To prevent the carp from entering the Great Lakes, the U.S. Army Corps of Engineers, the Environmental Protection Agency, the State of Illinois, the International Joint Commission, the Great Lakes Fishery Commission, and the U.S. Fish and Wildlife Service are working together to install and maintain a permanent electric barrier between the fish and Lake Michigan.

This designation prohibits the importation and interstate shipment of Asian carp unless a permit is issued by the Secretary of the Interior. The penalty for illegally importing or shipping Asian carp is a fine or imprisonment up to 6 months. This bill is supported by Members from both sides of the aisle in

both the House and the Senate. I urge my colleagues to vote in favor of this bill.

Mr. Speaker, I yield such time as she may consume to the author of this bill, the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Madam Speaker, I rise today to ask my colleagues to support Senate 1421, the Asian Carp Prevention and Control Act. This is the Senate companion to a bill I have sponsored in this House since 2007, and its passage will be a long overdue victory for wildlife preservation here in the United States.

As most of you know, those of us in the Illinois delegation have worked tirelessly to stem the spread of invasive species into the Great Lakes ecosystem for many years. Currently, Asian carp are the single greatest biological threat to that natural habitat, having traveled for the last four decades up the Mississippi River basin into the Illinois River, and now is close to the shipping and sanitary canals that connect our rivers to the freshwater lakes, particularly Lake Michigan. These ferocious fish prey on and compete with the native species for food and eat up to 40 percent of their body weight every day, as has been mentioned. And because they eat the natural plant life near the bottom of the food chain, they can quickly displace native species, destroy fishing habitats, and threaten maritime jobs.

The reason these fish came to become such a nuisance and cost taxpayers millions of dollars to combat is because they were imported into the U.S. by the southern fish farmers who used them to clean their breeding ponds. Subsequent flooding allowed them to escape into our river system and eventually travel up from the gulf towards Lake Michigan.

Madam Speaker, it is long past the time to recognize that these species do not belong in fish tanks—they certainly wouldn't fit because they grow so large—and domestic ponds where they could find their way into other fragile ecosystems.

In Illinois, we have spent an awful lot of time working on ways to keep those fish out of the Great Lakes. It is so important. The electric dispersal barriers, and there are now two that the Army Corps has put into the sanitary canal in my district, and we have had blockage of the tributaries of the river so even by flooding they cannot get into the canal. We have oxygenation. I have been at fish kills where they have actually made the water dead to kill the fish.

One of the things that is now taking place is certainly the fishing for these fish further down the river, and they are now sending the fish to China where they are turning them into food over there.

But the bill that we are considering today will add the big head species of the Asian carp to the list of injurious species under the Lacey Act and prevent their sale or importation into the United States. This ban would not apply to the dead fish that I was just talking about—they are caught and sent to China as dead fish—and includes only the species of the invasive carp that the Federal wildlife managers found last June in Lake Calumet in Illinois.

With that, Madam Speaker, I would like to thank my good friend from Michigan, Senator LEVIN, who secured passage of this bill in the Senate and express my gratitude to all my colleagues from the Great Lakes States who have worked with us for many years to preserve our waters from the invasive species. This effort is not only about protecting our ecosystem, but also the billions in jobs and opportunities that our precious natural habitats and waterways provide to U.S. citizens every year. I urge my colleagues to support this bill.

Ms. KAPTUR. I rise in support of S. 1421, the Asian Carp Prevention and Control Act.

For the last 2 decades the Federal Government has sat still. We have allowed numerous Asian Carp species to expand their range further and further North and today, Asian Carp are on the doorstep of the Great Lakes. With sustainable populations in Indiana and Illinois and the $7 billion recreational fishery at stake, immediate action is needed.

This legislation takes an important step in restricting the transportation of the Big Head Asian Carp by listing it as an injurious species under the Lacey Act, prohibiting this fish from being shipped or imported into the United States.

Should the Asian Carp successfully invade the Great Lakes, they would likely breed and prosper in the shallow and warm waters along the 90 miles of Lake Erie coastline in the Ninth Congressional District. In areas that the Asian Carp have already invaded, Asian Carp have outcompeted local species, destroying habitat for many species.

With 328,000 anglers and an $800 million economic impact from Lake Erie's recreational fishing industry, aggressive action is needed. My hope is that S. 1421 is just the start in a series of actions the House will take in the coming year. Congress must fund the protection efforts, ecologically separate the ecosystem and light a fire under the Federal and State agencies to protect one of our regions greatest economic resources.

On behalf of 20 percent of the worlds freshwater, the millions of great lakes anglers and towns both big and small that are dependent on the ecological resources of the Great Lakes, I urge my colleagues to support this critical legislation.

Mr. PETRI. Madam Speaker, as a representative from the Great Lakes region and a cosponsor of the House version of this bill, I support passage of S. 1421, the Asian Carp Prevention and Control Act. S. 1421 will explicitly ban Asian carp from being imported or shipped to the U.S.

Entry and proliferation of Asian carp into the Great Lakes would be ruinous to businesses, particularly commercial fishing and recreation, which rely on the Great Lakes for their livelihood, as well as to the ecology of the Great Lakes system as a whole.

This legislation is another necessary measure to ensure this damaging species is kept out of the Great Lakes. I am thankful that Congress has taken several steps so far, including authorization and funding of the electrical barriers in the Chicago Ship and Sanitary Canal, and other measures.

We must continue to consider all options to keep Asian carp out of the Great Lakes, including closing the locks on the Chicago Ship and Sanitary Canal and examining the benefits and costs of pursuing long-term ecological separation between the Great Lakes and the Mississippi River basin to prevent carp and future invasive species from migrating through this pathway.

I look forward to continuing to work with my colleagues to find solutions to protect our Great Lakes from this continuing threat. I ask the House to join me in supporting S. 1421.

Mr. LEVIN. Madam Speaker, I rise in strong support of the Asian Carp Prevention and Control Act and urge the House to pass it today.

Bighead carp were first brought to the United States in the 1970s to control algae in aquaculture ponds. Unfortunately, bighead carp and other harmful species of non-native fish were released into the Mississippi River in the early 1990s during major flooding. Since then, the Asian carp have established themselves in the Mississippi River system. Asian carp are voracious eaters and the impact of the carp on native fish populations has been severe.

In the ensuing years, the Asian carp have made their way north and are now threatening to invade the Great Lakes. The federal government and the Great Lakes states are fighting a pitched battle against the carp to prevent them from becoming established in the Lakes. We must use every means available to stop this destructive fish from invading the Great Lakes.

We're already paying a heavy price for the decision to import these non-native carp into the United States. For many years, during both the Bush and Obama administrations, a number of us from the Great Lakes region have been urging the Fish and Wildlife Service to include bighead carp on the list of injurious species under the Lacey Act and so minimize the risk of further harm by prohibiting the importation and interstate transportation of live Asian carp without a permit.

The bill before the House today would list bighead carp as injurious under the Lacey Act. I commend Senator LEVIN for introducing this important legislation, which passed the Senate on November 17. Although it is too late to undo the damage that bighead carp are doing in the Mississippi River and its tributaries, we should do everything possible to prevent these invasive fish from harming other areas of the United States. I urge passage of S. 1421.

Mr. POE of Texas. Madam Speaker, I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, S. 1421.

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

A motion to reconsider was laid on the table.

□ 1630

AUTHORIZING USE OF CAPITOL ROTUNDA FOR 50TH ANNIVERSARY OF KENNEDY INAUGURAL ADDRESS

Mrs. DAVIS of California. Madam Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 75) authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 75

Whereas John Fitzgerald Kennedy was elected to the United States House of Representatives and served from January 3, 1947, to January 3, 1953, until he was elected by the Commonwealth of Massachusetts to the Senate where he served from January 3, 1953, to December 22, 1960;

Whereas on November 8, 1960, John Fitzgerald Kennedy was elected as the 35th President of the United States; and

Whereas on January 20, 1961, President Kennedy was sworn in as President of the United States and delivered his inaugural address at 12:51pm, a speech that served as a clarion call to service for the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR AN EVENT HONORING PRESIDENT KENNEDY.

The rotunda of the United States Capitol is authorized to be used on January 20, 2011, for a ceremony in honor of the 50th anniversary of the inaugural address of President John F. Kennedy. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the measure now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Madam Speaker, this Senate concurrent resolution authorizes use of the Capitol rotunda on January 20, 2011, for a ceremony commemorating the 50th anniversary of President Kennedy's inaugural address. In that speech half a century ago, the President urged our country forward with words that still apply today, particularly as we close one session of Congress and start another.

President Kennedy said, ''So let us begin anew—remembering on both sides that civility is not a sign of weakness, and sincerity is always subject to proof. Let us never negotiate out of fear, but let us never fear to negotiate. Let both sides explore what problems unite us instead of belaboring those problems which divide us.''

Madam Speaker, I am sincerely looking forward to this commemorative ceremony. I know of no controversy to this measure and urge my colleagues to support Senate Concurrent Resolution 75.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of S. Con. Res. 75, authorizing use of the rotunda of the Capitol for an event in January marking the 50th anniversary of the inaugural address of President John F. Kennedy.

Madam Speaker, Presidential inaugural addresses are always historic and are often some of the most memorable events during different eras of our country's history.

We can recall Abraham Lincoln's inaugural address in 1861, President Franklin Roosevelt's inaugural address in 1933, and President Ronald Reagan's inaugural address in 1981, among many others, as addresses that inspired this Nation at particular moments of importance.

In 1961, President Kennedy's inaugural address rightly challenged us to ask what we could do for our country and not what our country could do for us. As people across this land did 50 years ago, so we must continue to do now. We must ask ourselves how we can best contribute to our society—by providing for our families, by participating in our communities, in civil society, in our children's schools, and by looking at the lives and needs intimately and immediately around us and seeking to meet them.

Some were then, and some may now, be also called to use their skills and services in our military, diplomatic, and public service sectors. Self-government needs all these attributes and contributions, and President Kennedy's address boldly challenged us to meet them.

Madam Speaker, I support this resolution authorizing use of the rotunda. I, too, believe we should look for inspiration to President Kennedy's eloquent address given some 50 years ago this coming January.

As I say, I hope all will join us in supporting this resolution.

I have no other speakers, and I yield back the balance of my time.

Mrs. DAVIS of California. I thank the gentleman for his words. I ask for an ''aye'' vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 75.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

EXTENDING ARMY CORPS OF ENGINEERS' AUTHORITY TO ACCEPT AND USE FUNDS FOR EXPEDITED PERMIT PROCESSING

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6184) to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6184

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

SECTION 1. FUNDING TO PROCESS PERMITS.

Section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat. 1836; 119 Stat. 2169; 120 Stat. 318; 120 Stat. 3197; 121 Stat. 1067; 123 Stat. 3478) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary, after public notice, may accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a project or activity for a public purpose under the jurisdiction of the Department of the Army.'';

(2) by redesignating subsection (c) as subsection (e);

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

''(b) EFFECT ON PERMITTING.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

''(2) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall—

''(A) be reviewed by—

''(i) the District Commander, or the Commander's designee, of the Corps District in which the project or activity is located; or

''(ii) the Commander of the Corps Division in which the District is located if the evaluation of the permit is initially conducted by the District Commander; and

''(B) utilize the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using funds authorized under this section.

''(c) LIMITATION ON USE OF FUNDS.—None of the funds accepted under this section shall be used to carry out a review of the evaluation of permits required under subsection (b)(2)(A).

''(d) PUBLIC AVAILABILITY.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public, including on the Internet.''; and

(4) in subsection (e) (as redesignated) by striking ''2010'' and inserting ''2016''.

SEC. 2. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I am pleased to rise to support H.R. 6184, a bill to extend through the end of 2016 the authority of the Secretary of the Army to accept funds from non-Federal public entities for the consideration of permits under the Clean Water Act and the Rivers and Harbor Act of 1899.

This language is modeled after language included in the Water Resources Development Act of 2010 that was favorably approved by the Committee on Transportation and Infrastructure in July of this year. And while I am disappointed that the larger water resources development bill is not likely to be enacted before the end of this Congress, I support the efforts of the gentleman from Washington (Mr. LARSEN) to provide a 5-year extension of the Corps' section 214 permit review authority. The authority expires at the end of the current calendar year, and this legislation will continue the program through the end of December 2016.

Madam Speaker, I support the inclusion of several commonsense reforms to the 214 program contained in this legislation which aim at addressing the potential conflict of interest that arises when a permittee can contribute funds to a government regulatory agency for review of its permit application. As chairwoman of the Subcommittee on Water Resources and Environment, I have joined with my chairman in carefully monitoring the implementation of this authority. While it is very popular for those that have used it, there has been an ongoing concern that allowing a regulated entity to pay the costs of its regulator could affect the objectivity of that regulator.

In May of 2007, the Government Accountability Office issued a report that expressed concern with the overall implementation of this section 214 authority. This report recommended several improvements to increase the overall transparency and impartiality of Corps permit reviews conducted with outside funds.

Many of these recommendations are codified in H.R. 6184, including the requirement that any permit reviewed under the 214 program undergo a higher order review by the Corps district commander or an appropriate designee.

In addition, this legislation requires the Corps to publicly disclose, including on the Internet, copies of all final permit decisions that are reached utilizing the 214 authority. In my view, this additional level of public disclosure will provide an appropriate safeguard to ensure the integrity of the Corps' regulatory authorities, as well as the integrity of the 214 program. In carrying out this authority, the Corps should make every effort to have these records easily accessible to the general public and disclosed in a timely manner.

Finally, this legislation clarifies the original intent of the 214 program to be available only to public entities for projects that are for a public purpose.

The May 2007 GAO report highlighted one Corps district that had utilized the 214 authority to process a permit for a private development project.

□ 1640

This is inconsistent with the intent of this program. The amendments made by H.R. 6184 clarify this point and ensure that only projects for a public purpose may be reviewed using this authority.

I support the passage and quick enactment of this extension, and I reserve the balance of my time.

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

Madam Speaker, I rise today in qualified support of H.R. 6184, to authorize an extension of the Army Corps of Engineers' section 214 program.

As was just described, section 214 of the Water Resources Development Act of 2000 allows the Army Corps of Engineers to accept and, frankly, to expend funds provided by non-Federal public entities to hire additional personnel to process regulatory permits, something that we had heard time and time again was quickly needed.

Now, most Members of this body support a permanent extension of section 214, Madam Speaker. I'm not quite sure and I've yet to understand what makes this program so different and so special that it requires temporary extensions and not just a permanent program.

So, Madam Speaker, I say that I offer qualified support of H.R. 6184 because, while this legislation is needed—and there is no doubt that it is needed—my colleague from Texas (Mr. OLSON) has offered a much better piece of legislation. Mr. OLSON's legislation, H.R. 4162, will authorize a permanent extension of the program, not a 5-year temporary patch or a temporary extension offered by this bill.

Congress has been forced to temporarily extend this program six times since it was authorized in the Water Resources Development Act of 2000. Yet the Committee on Transportation and Infrastructure has heard from Members on both sides of the aisle—this is not a partisan issue—supporting a permanent extension of the section 214 program.

Again, I have heard no Member object to a permanent extension of the section 214 program. The Corps of Engineers has now the adequate experience in running the program, and recent Government Accountability Office observations concur with this assessment. Yet here we are again on the House floor, moving a temporary extension of an excellent, proven, tested program.

Authority for this program expires on December 31 of this calendar year. So, obviously, if this program were allowed to expire, the Corps would not have the ability to process permits in a timely manner as they need to.

I want to thank Representative OLSON and Representative LARSEN for their efforts on this issue.

I urge all Members to vote in favor of H.R. 6184; but I must tell you that I do wish we were passing a permanent extension of the section 214 program today, not a temporary one.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from the State of Washington (Mr. LARSEN).

Mr. LARSEN of Washington. I want to thank the chair of the Transportation and Infrastructure Subcommittee for helping to bring this bill to the floor, and of course I thank both sides of the aisle on the full committee for bringing this bill to the floor.

Madam Speaker, I rise today in support of H.R. 6184. This bill extends section 214 authority of the Water Resources Development Act of 2000 through 2016. It is currently authorized through December 31 of this year.

As my good friend and colleague from Florida just noted, many Members of Congress want to make this a permanent program. I am one of those Members. However, we were able to get to a point where we could move it from the annual reauthorizations that we were doing, which is why it has been reauthorized six or seven times, to a 5-year reauthorization at this point. I certainly look forward to working with Mr. OLSON in the next session of Congress to see what we can do about its permanent authorization.

This program allows local governments to fund additional U.S. Army Corps of Engineers staff time to expedite the processing of permits for infrastructure and ecosystem restoration

projects. Section 214 was enacted by Congress because the Corps of Engineers' permitting process had become cumbersome for both Corps staff and for applicants as the number of permit applications rose.

By funding additional staff to work on specific, time-intensive permits, existing Corps staff is now able to process significant permit backlogs more quickly. Funding for additional Corps staff has resulted in a reduction of permit wait times, not only for the funding entity, but for any individual organization seeking a permit. As a result, local governments are now able to move forward with infrastructure and ecosystem restoration projects in a much more timely manner.

To give you an idea as to what this has meant in Washington State, section 214 is currently being used by over 41 public agencies in 20 Corps districts. In Washington State, the city of Seattle was the first public entity in the country to develop and use this facilitated permitting process. The city has used the section 214 program for 285 projects, representing over $1.1 billion in capital investments. Seven years of using this program has resulted in an estimated cost savings of $10.6 million. The average review time per project has been reduced from over 808 days to an average now of 47 to 166 days.

In a region where we have to balance some of the most difficult environmental issues in the country and where we have the second highest commerce and trade area of any region in the country, section 214 is key to overcoming some permitting delays and other challenges.

So the authority granted by 214 has worked well in practice. This authority does need to be reviewed so additional staff can remain on the job without interruption. It makes several important improvements, as the subcommittee chair has noted—improvements that were suggested by the GAO—and these changes will enhance the oversight of the program.

I also want to note that this bill has the support of the U.S. Chamber of Commerce, the American Association of Port Authorities, the American Public Works Association, and the National Association of Flood & Stormwater Management Agencies.

Finally, I want to note as well that the father of this particular section of the Water Resources Development Act is our colleague BRIAN BAIRD, who has retired and is finishing out his last term in Congress. We certainly owe a debt of gratitude to our colleague Mr. BAIRD for bringing this issue up in the first place back in '98, '99 and 2000 and getting it in WRDA of 2000.

We now need to reauthorize it for 5 years and move this bill forward. I ask my colleagues to support it.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 6184, as amended, a bill to amend section 214 of the Water Resources Development Act of 2000, to extend the authority of the Secretary of the Army to accept funds from non-Federal public entities for the consideration of permits under the Clean Water Act and the Rivers and Harbors Appropriation Act of 1899.

I applaud the efforts of the gentleman from Washington (Mr. LARSEN) for introducing this bill, and for his efforts to codify the recommendations of the Government Accountability Office (GAO) to avoid any potential conflicts-of-interest in the implementation of this authority.

Since its enactment, the Committee on Transportation and Infrastructure has been carefully monitoring the implementation of the section 214 authority. While this authority is very popular for those public entities that have used it, the Committee has expressed concern that allowing a regulated entity to contribute to the cost of its regulator has the potential to affect the objectivity of that regulator. This would be contrary to the intent of the Clean Water Act and the Rivers and Harbors Act of 1899, and contrary to the intent of Congress in enacting the section 214 authority.

In recognition of this concern, I requested that GAO review the Corps' implementation of the section 214 program. In May 2007, GAO released a report, Waters and Wetlands: Corps of Engineers Needs to Ensure That Permit Decisions Made Using Funds from Nonfederal Public Entities Are Transparent and Impartial (GAO–07–478), which demonstrated significant variability on the implementation of the section 214 program among the Corps District offices that had experience with the program. This report recommended that the Corps implement a series of measures to avoid any potential conflict of interests in carrying out its regulatory responsibilities.

Several of the concerns raised by GAO are addressed in the amendments to section 214 made by this bill.

First, H.R. 6184 amends section 214 to clarify that the Secretary may only utilize this authority for the consideration and review of permits related to projects for a public purpose.

The May 2007 GAO report noted that one Corps District had allowed a public entity to request the Corps review a private company's permit application under section 214. This is contrary to the intent of the section 214 program, which was created to allow non-Federal public entities to utilize the program to expedite the review of permits for projects for a public purpose, such as the construction of port facilities or public water supply projects.

H.R. 6184 clarifies that the Corps may not utilize the section 214 authority to consider and review permit applications for projects or activities that primarily benefit private individuals or companies. The intent of this provision is to prohibit public entities from acting as a liaison for expedited review of private development projects, which should, more appropriately, be pursued under the traditional regulatory review process.

Second, this legislation adds a new subsection to codify a "higher-order review" requirement under the section 214 program. This provision requires the Corps to have all permits considered under this expedited authority be reviewed by a more senior Corps official, such as the Corps District Commander, or his designee. This recommendation is consistent with the findings of the May 2007 GAO report, and consistent with the Corps' implementation guidance for the section 214 program.

In carrying out this "higher-order review" authority, the Corps is directed to include information on what higher-order review was undertaken in its public disclosure of permits reviewed under this authority. In addition, funds contributed under section 214 by non-Federal public entities cannot be used to carry out the higher-order review requirements of this subsection.

In addition, H.R. 6184 adds a new subsection that directs the Secretary to make all final permit decisions carried out using section 214 funds available to the public, including on the Internet. This recommendation is consistent with the findings of the May 2007 GAO report.

However, in a February 2010 follow-up report that I requested, GAO noted that the Corps had "fallen short in two significant oversight areas," including improving the transparency of decision making to the public by clearly posting public notices of funding decisions on District Internet sites.

This legislation codifies the requirement for public disclosure for each and every permit that utilizes the 214 authority. To the maximum extent practicable, the Corps should make these permit decisions easily accessible and searchable on its website.

Finally, this legislation extends the authority for the Secretary of the Army to utilize the section 214 program through December 31, 2016.

Madam Speaker, the section 214 program was established in 2000 with the goal of expediting the permitting review process for both those parties that utilize the 214 authority, and those that do not. This is a laudable goal, but one that has been elusive to date for a myriad of reasons.

The additional safeguards called for in H.R. 6184 should help reduce the potential conflicts-of-interest between the regulators and the regulated community that are inherent in allowing contributions to the regulatory review process. However, this Committee should continue to oversee the implementation of the accountability measures called for by GAO and others to ensure that use of the section 214 program does not compromise the integrity of the regulatory process and finally achieves its goals of expediting the permit review process for all.

Madam Speaker, the text of this legislation was included as part of H.R. 5892, the "Water Resources Development Act of 2010", which the Committee on Transportation and Infrastructure ordered reported by voice vote on July 29, 2010. While my hope would have been to move the 214 extension as part of a broader water resources development bill, this does not seem possible in the remainder of the 111th Congress.

I urge my colleagues to join me in supporting H.R. 6184.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, I simply would ask all of the Members to support this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the

House suspend the rules and pass the bill, H.R. 6184, as amended.

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

A motion to reconsider was laid on the table.

FEDERAL BUILDINGS PERSONNEL TRAINING ACT OF 2010

Mr. CARNAHAN. Madam Speaker, I move to suspend the rules and pass the bill (S. 3250) to provide for the training of Federal building personnel, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3250

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 ''Federal Buildings Personnel Training Act of 2010''.

SEC. 2. TRAINING OF FEDERAL BUILDING PERSONNEL.

(a) IDENTIFICATION OF CORE COMPETENCIES.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Administrator of General Services, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, and after providing notice and an opportunity for comment, shall identify the core competencies necessary for Federal personnel performing building operations and maintenance, energy management, safety, and design functions to comply with requirements under Federal law. The core competencies identified shall include competencies relating to building operations and maintenance, energy management, sustainability, water efficiency, safety (including electrical safety), and building performance measures.

(b) DESIGNATION OF RELEVANT COURSES, CERTIFICATIONS, DEGREES, LICENSES, AND REGISTRATIONS.—The Administrator, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall identify a course, certification, degree, license, or registration to demonstrate each core competency, and for ongoing training with respect to each core competency, identified for a category of personnel specified in subsection (a).

(c) IDENTIFIED COMPETENCIES.—An individual shall demonstrate each core competency identified by the Administrator under subsection (a) for the category of personnel that includes such individual. An individual shall demonstrate each core competency through the means identified under subsection (b) not later than one year after the date on which such core competency is identified under subsection (a) or, if the date of hire of such individual occurs after the date of such identification, not later than one year after such date of hire. In the case of an individual hired for an employment period not to exceed one year, such individual shall demonstrate each core competency at the start of the employment period.

(d) CONTINUING EDUCATION.—The Administrator, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall develop or identify comprehensive continuing education courses to ensure the operation of Federal buildings in accordance with industry best practices and standards.

(e) CURRICULUM WITH RESPECT TO FACILITY MANAGEMENT AND OPERATION OF HIGH-PERFORMANCE BUILDINGS.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Administrator, acting through the head of the Office of Federal High-Performance Green Buildings, and the Secretary of Energy, acting through the head of the Office of Commercial High-Performance Green Buildings, in consultation with the heads of other appropriate Federal departments and agencies and representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall develop a recommended curriculum relating to facility management and the operation of high-performance buildings.

(f) APPLICABILITY OF THIS SECTION TO FUNCTIONS PERFORMED UNDER CONTRACT.—Training requirements under this section shall apply to non-Federal personnel performing building operations and maintenance, energy management, safety, and design functions under a contract with a Federal department or agency. A contractor shall provide training to, and certify the demonstration of core competencies for, non-Federal personnel in a manner that is approved by the Administrator.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CARNAHAN) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CARNAHAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 3250.

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

There was no objection.

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

Madam Speaker, I rise today in strong support of S. 3250. This bill has bipartisan sponsorships in the Senate by Senators CARPER and COLLINS. It is the Federal Buildings Personnel Training Act. The legislation passed the Senate by unanimous consent, and it is identical to H.R. 5112, introduced by me and my Republican colleague, Representative JUDY BIGGERT of Illinois. The bill also passed out of the House Transportation and Infrastructure Committee on a voice vote.

At a time when many people are tired of partisan gridlock here in Washington, I believe this legislation is a good example of what we can do when we work across the aisle to accomplish commonsense legislation that will safeguard taxpayer investments, will provide certainty to small business and, most importantly, will save taxpayers money.

□ 1650

Madam Speaker, when we invest in our Federal facilities, we also need to invest in the people operating and maintaining them. The American Recovery and Reinvestment Act included a substantial investment of $5.5 billion apportioned to the GSA to upgrade its facilities. In order to safeguard this substantial investment, I want to ensure that GSA and other Federal agencies have the tools necessary to properly maintain and operate these buildings at their highest performance levels.

Late last year, a Government Accountability Office report found that a lack of proper expertise and training was a major challenge for the Federal Government in reaching its energy reduction goals. This legislation will fill the training gap. Most importantly, by filling the training gap, the Federal Buildings Personnel Training Act will save taxpayer dollars on operations and maintenance costs.

The Federal Government currently consumes about 2 percent of the Nation's total energy, or about $17.5 billion in annual energy costs. The potential for cost savings here is huge. In fact, a recent study by the International Facility Management Association showed that for every dollar spent on facility management training, organizations reported receiving an average of $3.95 in return. If we are to be responsible stewards of taxpayer dollars, in addition to investing in energy-efficient buildings, we must invest in the people maintaining those buildings so we can recoup the largest energy and cost savings possible.

This legislation will help ensure that our Federal buildings are run in a way that maximizes their performance, assuring that they retain value throughout their lifecycles and that the taxpayer investments in these properties are both protected and leveraged to reap the cost savings involved with efficient operations and management.

I want to personally thank the Republican cosponsor, my colleagues, Representative PETE SESSIONS and Representative JUDY BIGGERT, for their support throughout this process. Representative BIGGERT and I cochair the High-Performance Buildings Caucus and we have continually advocated for the Federal Government to lead by example in high-performance building practices.

I also want to give special thanks to Chairman OBERSTAR—for his long and distinguished leadership on this issue—and to Ranking Member MICA for their support to bring this bill to the floor.

Madam Speaker, I would like to insert into the RECORD a support letter from over 50 of the country's leading building professionals, manufacturers, and small businesses. They are pleased to support this legislation and are poised to provide the necessary training to achieve both public and private sector goals.

HIGH-PERFORMANCE BUILDING CONGRESSIONAL CAUCUS COALITION,
December 1, 2010.

Speaker NANCY PELOSI,
House of Representatives,
Washington, DC.
Minority Leader JOHN BOEHNER,
House of Representatives,
Washington, DC.
Re: Federal Buildings Personnel Training Act of 2010

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: As the leading organizations involved in the design, construction, operation and maintenance of buildings, we applaud Congress's continued efforts to improve our nation's buildings. We are particularly pleased to support H.R. 5112/S. 3250, ''Federal Buildings Personnel Training Act of 2010.'' In the final days of the 111th Congress, we encourage passage of this important legislation—it has already passed the Senate by voice vote.

As you know, Congress and the President have established stringent goals for Federal agencies to achieve reductions in energy and water use and greenhouse gas emissions. Agencies also have additional needs related to other high-performance building attributes, including safety and security. Achieving these goals requires personnel engaged in the design, construction, operation and maintenance of federal buildings to have the appropriate skills and training. This bill will provide federal agencies with these necessary tools with no significant impact on the deficit.

Federal agencies have long been looked to as an example of what can be done within the built environment. As the Nation's largest holder of real estate, the Federal Government has the opportunity and resources to influence the development and implementation of building design, construction, operations and maintenance tools, technologies and practices. Federal buildings should serve as public showcases and leading examples of energy efficiency and indoor environmental quality (IEQ) through their design, construction, equipment, and operations and maintenance.

As both public and private sector buildings become increasingly complex to meet our nation's energy and environmental goals, personnel with the necessary competencies will be critical to achieving these goals. The undersigned organizations representing the breadth of the building community including building professionals, manufacturers, and small businesses, are pleased to support this legislation and are poised to provide the necessary training to achieve both public and private sector goals.

We look forward to continued work with you in realizing the full potential of high-performance buildings.

Sincerely,

National Institute of Building Sciences (NIBS); American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE); International Facility Management Association (IFMA); National Electrical Manufacturers Association (NEMA); U.S. Green Building Council (USGBC); International Association of Plumbing and Mechanical Officials (IAPMO); Federation of American Scientists (FAS); National Fire Protection Association (NFPA); International Code Council (ICC); Polyisocyanurate Insulation Manufacturers Association (PIMA); American Institute of Architects (AIA); Spray Polyurethane Foam Alliance (SPFA); United Association—Union of Plumbers, Fitters, Welders and HVAC Service Techs; Green Mechanical Council; The Stella Group, Ltd.; Association for Facilities Engineering (AFE); Mechanical Contractors Association of America (MCAA); National Society of Professional Engineers (NSPE); BuildingInsight, LLC; American Council of Engineering Companies (ACEC); Green Building Initiative (GBI); Ecobuild America/AEC Science & Technology, LLC; American Society of Landscape Architects (ASLA); Air-conditioning, Heating and Refrigeration Institute (AHRI); National Fenestration Rating Council (NFRC); Center for Environmental Innovation in Roofing (CEIR); The Radiant Panel Association; Carbon Monoxide Safety Association (COSA); Educational Standards Corporation Institute (ESCO Institute); HVAC Excellence; Air Conditioning and Refrigeration Association (AC&R); Federal Performance Contracting Coalition; Sustainable Buildings Industry Council (SBIC); National Insulation Association (NIA); InfoComm International; Building Intelligence Group; Sheet Metal and Air Conditioning Contractors National Association, Inc. (SMACNA); Architecture 2030; LonMark International; Environmental and Energy Study Institute (EESI); American Society of Civil Engineers (ASCE); BASF; EIFS Industry Members Association (EIMA); Plumbing-Heating-Cooling Contractors—National Association (PHCC); Johnson Controls; APPA: Leadership in Educational Facilities; International Association of Lighting Designers (IALD); The Vinyl Institute; Illuminating Engineering Society (IES); DuPont; Brick Industry Association; Association of Energy Engineers (AEE); Siemens.

Madam Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill would require, as we have just heard, the General Services Administration to consult with various professional associations in order to establish training and certification requirements for Federal and private personnel who maintain Federal buildings. Now, the purpose of this bill is a very good one. With all of the taxpayer money and dollars that have been invested in the high-performance green buildings, we obviously need to ensure that those maintaining them are, frankly, properly trained; otherwise, that money is, frankly, just thrown away. So I want to thank Representative CARNAHAN as well as—and he has mentioned also—Representative BIGGERT and Representative SESSIONS for their leadership and work on this really, really important issue.

There are a few caveats that I just want to put out there, and we have had this conversation and there is no disagreement here. It is going to be very important, Madam Speaker, after passage of this legislation, that we ensure that GSA implements this appropriately. In particular, it would be important that GSA doesn't develop such broad training requirements that it becomes, frankly, too costly and burdensome for small businesses to be able to do that. In addition, it is going to be really important, Madam Speaker, for GSA to ensure that conflicts, potential conflicts, conflicts of interest are not created and that appropriate Federal laws and rules governing advice from private entities are strictly followed. As this bill is implemented, our committee will be conducting close oversight to ensure the requirements in this bill are carried out in a reasonable manner.

I am not going to object to the passage of this legislation. As I mentioned, I want to thank the sponsors for their hard work.

Madam Speaker, I reserve the balance of my time.

Mr. CARNAHAN. Madam Speaker, I yield 5 minutes to the chairwoman of the Federal Buildings Subcommittee of Transportation, Delegate ELEANOR HOLMES NORTON.

Ms. NORTON. I thank the gentleman for yielding, but I need to thank him for much more, for not only sponsoring this bill, but for shepherding this bill. It was not always smooth sailing, but it was mostly smooth sailing because its underlying purpose is so clear and necessary. I appreciate that it has been a bipartisan bill both here and in the Senate. I certainly appreciate its bipartisan sponsorship by Representative BIGGERT and you, Mr. CARNAHAN. I know that this bill will be gratifying to Mr. OBERSTAR, who has presided over much of the building of the Federal inventory during his extraordinary service here in the House.

May I thank my good friend, the ranking member, Mr. Diaz-Balart, with whom I've worked so closely and so well since I became chair, for his work not only on this bill but on the many bills and the many hearings we have held together.

Madam Speaker, what we have to consider is that the Federal building inventory amounts to $43 billion of investment of the taxpayers of the United States over many decades. It is clearly irreplaceable. Some of it is familiar to us all—the buildings here in Washington, such as the Justice Department, or your own office building when you go home to invite in your constituents and to do your constituent service, the courthouses where you are. But there has been little investment in this inventory, even inventory close to home.

We had a hearing in our subcommittee that showed scores of violations in the buildings of the Capitol complex, which I am pleased to say are now being quickly remedied, but some of them would have endangered the lives of the millions of people who visit the Capitol every year, not to mention the many thousands who live here. So this is a particularly gratifying piece of legislation.

Every year, our committee approves hundreds of millions of dollars in projects of construction and repair and modernization, nothing, however, like what we have done recently. Because of the American Recovery and Reinvestment Act, Congress took the opportunity to invest in the updating of

more than $5 billion in GSA inventory which had been untouched and was a growing backlog. And we didn't simply invest in it by saying fix the roofs. We said save the taxpayers money by upgrading to state-of-the-art energy systems so that we save the taxpayers more money than we are investing today and we begin to catch up on the backlog of many decades of disinvestment in our own priceless inventory.

So we are upgrading these federally owned facilities with more energy-efficient and sustainable building components for the first time in memory. This investment will be important; but if we allow these buildings to deteriorate as so much of our inventory has, we will pour the investment right down the drain. That means that you now will have contractors, subcontractors, yes, and many employees who are being asked to maintain inventory that has entirely new components of the kind they have never had to operate and maintain before, because these are energy-efficient, new state-of-the-art materials.

□ 1700

In order to maintain this extraordinary investment, this once-in-a-lifetime investment for the Congress, we will want a workforce that is trained and operating to keep this inventory at peak performance so that we don't see it deteriorate before our eyes as we have seen so much of the Federal inventory.

We now know that design and construction costs, for example, represent only about 5 or 10 percent of the costs of a facility.

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

Mr. CARNAHAN. I yield 1 additional minute to the gentlewoman.

Ms. NORTON. But operations and maintenance represents 60 to 85 percent of the costs of a facility over its lifetime. Look what we're doing here today. We've saved the taxpayer money by investing in energy efficiency. Now we're going to save money for all of us, and especially the taxpayers, by investing in what it will take, curriculum and training, to keep these buildings at peak performance and thereby maximize our investment.

I thank the gentleman for his hard work and for yielding.

Mr. MARIO DIAZ-BALART of Florida. Before I recognize the following distinguished Member, I do want to just mention, I don't know how many other opportunities as ranking member I'm going to have here on the floor, and I just want to mention what a privilege it has been to work with my chairwoman. She has been, frankly, wonderful to work with. We have enjoyed a great working relationship, and I think that working relationship has really grown into a bit of a personal friendship. And I want to thank her for always being exceedingly courteous to me.

And I also need to mention Chairman OBERSTAR. I was able to speak to him at length a couple days ago, and I would be remiss if I didn't mention how much I've enjoyed working with him.

With that, Madam Speaker, I'd like to recognize—she's already been mentioned a couple of times—the gentlelady from the State of Illinois, Representative BIGGERT, for such time as she may consume.

Mrs. BIGGERT. I thank the gentleman for yielding the time.

Madam Speaker, I would like to begin by thanking my colleagues, Senator TOM CARPER and SUSAN COLLINS, and especially the cochair of the Congressional High-Performance Building Caucus, Representative Russ Carnahan, and also Representative Pete Sessions for all of their hard work in bringing this bipartisan legislation before us today.

The Federal Buildings Personnel Training Act of 2010 will save taxpayers dollars, it's been mentioned many times, by putting Federal buildings on the cutting edge of energy efficiency and will help build expertise among America's workforce needed for tomorrow's green jobs.

As my colleagues are aware, the Federal Government is the Nation's largest property manager, with more than 500,000 buildings and structures worldwide. So this bill presents an opportunity to lead by example and to demonstrate the immense savings and efficiency that can be achieved by making smart investments in human energy through the Federal workforce.

This bill will help ensure that Federal buildings are operating at peak efficiency. It will equip Federal employees who maintain our buildings with the resources they need to utilize green building technologies, implement industry best practices, and cut energy costs for the public.

Madam Speaker, thanks to America's scientists and engineers, we are making rapid strides in sustainable building technologies and designs. But the full rewards of this work, both to the environment and to taxpayers, cannot be realized unless our building managers have the training to utilize them.

The Federal Buildings Personnel Training Act of 2010 will require the General Services Administration to identify core competencies necessary for Federal personnel to utilize high-performance building practices and technologies. The GSA will then work with private industry and institutions of higher learning to create comprehensive continuing education courses to ensure that the Federal employees know how to employ green technologies. This training will ensure that the Federal Government can meet its energy reduction goals and get a proper return on taxpayers' investment.

Madam Speaker, American taxpayers are demanding a renewed focus on eliminating wasteful government spending, and this bipartisan bill presents an opportunity to do just that while conserving our domestic energy supply.

The Federal Buildings Personnel Training Act will put us on the forefront of building technology and transform our Nation's building stock for years to come. Just as importantly, it makes an investment in the training of our workforce that will help American workers compete for the green jobs of tomorrow.

Again, I would like to thank the gentleman from Missouri, my colleague and cochair of the High-Performance Building Caucus, for his hard work in bringing forward this bill. And I'd like to thank Chairman NORTON for her support and Ranking Member MICA and particularly Chairman OBERSTAR. He will certainly be missed here on this House floor, and I know that we all wish him well.

I would urge my colleagues to support this bill.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of S. 3250, a bill to promote professionalism and competency among the ranks of individuals, both Federal employee and contractor, who operate and maintain building systems in Federal buildings. For a number of building operation functions and disciplines, the bill requires the Administrator of General Services, in consultation with other Federal agencies and building industry representatives, to identify core competencies and appropriate training and certifications, which will enable personnel working in these fields to demonstrate acquisition and mastery of the skills and knowledge that will help ensure that Federal buildings perform and are maintained in accordance with industry best practices.

This Committee has been instrumental, through the American Recovery and Reinvestment Act, in providing the General Services Administration with $4.5 billion to upgrade Federally owned facilities with more energy efficient and sustainable building components and systems. S. 3250 is an effort to safeguard this investment, as well as other Federal investment in energy-efficient building infrastructure, to ensure that this infrastructure is well maintained and operating at peak performance.

Findings by the Government Accountability Office and the National Research Council indicate that, over a building's full life cycle, operations and maintenance expenses account for 60 to 85 percent of the total cost of a facility, compared to 10 percent for initial design and construction. These findings underscore the importance of optimizing the performance and care of building equipment and components which play a vital role in the energy efficiency of facilities. By establishing core competencies for building operations personnel, S. 3250 enhances the likelihood that this optimization occurs. The bill has the support of the High-Performance Building Congressional Caucus Coalition, and over 40 building industry associations and professional societies. Moreover, this legislation helps support energy efficiency goals established for Federal buildings in the Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007.

On July 29, 2010, the Committee on Transportation and Infrastructure met in open session to consider the House version of this bill, H.R. 5112, and ordered the bill reported favorably to the House by voice vote.

I urge my colleagues to join me in supporting S. 3250.

Mr. MARIO DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. CARNAHAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and pass the bill, S. 3250.

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

A motion to reconsider was laid on the table.

CONGRATULATING THE NATIONAL AIR TRANSPORTATION ASSOCIATION ON ITS 70TH ANNIVERSARY

Mr. CARNAHAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1669) congratulating the National Air Transportation Association for celebrating its 70th anniversary, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1669

Whereas the National Air Transportation Association (NATA) was founded 70 years ago on December 28, 1940, with 83 charter member companies who were instrumental in supporting the Civilian Pilot Training Program (CPTP);

Whereas on December 27, 1938, the CPTP was formed by President Franklin D. Roosevelt who approved a Civil Aeronautics Authority plan to boost the private flying industry by annually teaching 20,000 college students to fly;

Whereas the CPTP trained thousands of new pilots;

Whereas in 1940, NATA was instrumental in working with Congress to support the CPTP;

Whereas the current general aviation industry owes much to the foresight and resiliency of the founders of NATA, William A. Ong and Leslie H. Bowman, the association's first two presidents, as well as George E. Haddaway, John L. Gaylord, and others who played a strong role in the organization's formation;

Whereas the general aviation industry accounts for hundreds of thousands of American jobs and contributes approximately $90 billion to the United States economy;

Whereas today NATA represents over 2,000 member companies that own, operate, or service aircraft and provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management, and scheduled commuter operations for smaller aircraft;

Whereas NATA continues to represent the legislative, regulatory, and business interests of general aviation businesses;

Whereas NATA provides education, services, and benefits to its members to ensure their long-term economic success;

Whereas NATA is dedicated to establishing programs to improve general aviation safety; and

Whereas NATA established the Air Charter Safety Foundation to continuously enhance the safety and security practices of charter and shared aircraft owners and operators in the United States and worldwide: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the National Air Transportation Association for celebrating its 70th anniversary;

(2) applauds the National Air Transportation Association for creating programs and resources to enhance the safety of general aviation operators; and

(3) commends the National Air Transportation Association for being instrumental in bolstering the general aviation industry during a time of turmoil in the 1940s.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CARNAHAN) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CARNAHAN. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 1669.

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

There was no objection.

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

Madam Speaker, I rise in support of H. Res. 1669, as amended, which congratulates the National Air Transportation Association for celebrating its 70th anniversary.

As this resolution recognizes, NATA played an indispensable role in the development of general aviation in the United States. Since its founding in 1940, at a time when general aviation in the U.S. was at a crossroads, NATA has grown to represent more than 2,000 companies that own, operate, or service aircraft and provide services to general aviation pilots and aircraft owners. NATA serves as these companies' advocate before Federal policymakers and lawmakers.

The general aviation industry supports thousands of American jobs and is an essential contributor to the U.S. economy. Since its founding, the National Air Transportation Association has played a major role in advocating for a vibrant and healthy general aviation industry.

H. Res. 1669 recognizes NATA's historical contributions to general aviation and congratulates them for its 70th anniversary. I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield such time as he may consume to the author of the resolution before us, my colleague from Tennessee, JAMES DUNCAN.

□ 1710

Mr. DUNCAN. Madam Speaker, I thank the gentleman from Wisconsin for yielding.

I rise today in support of House Resolution 1669, to congratulate and compliment the National Air Transportation Association on its 70th anniversary, and for its advocacy of general aviation in the United States of America. NATA is the leading organization representing aviation service businesses such as fixed base operators, charter providers, and aircraft management companies.

At the start of World War II, the Federal Government drafted plans to ground all private aviation for the duration of the war. Such a ban would have crippled general aviation in this country for years to come. However, 83 founding members started the NATA in 1940 with the purpose of showing how private aviation could be an asset to our country and to its national security, and certainly not a threat. In fact, the NATA helped save the Civilian Pilot Training Program that was created by President Franklin Roosevelt just a few years earlier. This program trained thousands of college students to fly, many of whom later contributed to the war effort.

Today, NATA represents over 2,000 member companies that own, operate, or service aircraft, and provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental airline services, flight training, Part 135 on demand air charters, fractional aircraft program management, and scheduled commuter operations from smaller aircraft.

There are more than 230,000 general aviation aircraft in the United States, which use nearly 19,000 small and regional airports. These airports help connect people and industries that do not always have easy access to our larger commercial airports. In addition, the general aviation industry represents millions of jobs, and contributes $150 billion to the U.S. economy. General aviation is a vital component of the transportation industry in the United States.

Not only does the association represent aviation interests in Washington, it takes an active role in promoting aviation in our communities. NATA provides grants to schools for the purpose of purchasing educational materials. The NATA also provides scholarships to young people who are interested in pursuing a career in aviation.

Madam Speaker, I served as chairman of the Subcommittee on Aviation for 6 years. I personally witnessed the National Air Transportation Association's tireless efforts on behalf of private aviation.

Finally, I would like to mention that the president of this association is our former colleague, former Congressman Jim Coyne. While in Congress, Congressman Coyne regularly flew to and from his congressional district in Pennsylvania. He has served in this position since 1994. And I would like to

say that the members of the NATA are very fortunate to have someone with his knowledge of the aviation community to lead their association.

I introduced this resolution to recognize this association and its contributions to private aviation. I hope my colleagues will join me in support of this bill.

Mr. CARNAHAN. I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I rise in support of the resolution before us sponsored by my colleague from Tennessee (Mr. DUNCAN), congratulating the National Air Transportation Association for celebrating the organization's 70th anniversary. The resolution also applauds the association's efforts over the years to improve general aviation safety and bolster the general aviation industry.

NATA represents over 2,000 member companies that provide millions of jobs in the United States that support the general aviation industry. NATA member companies provide for many of the behind the scenes support for general aviation, including fuel sales, aircraft maintenance, parts sales, storage, and flight training, just to name a few. These sectors of the general aviation industry support jobs for millions of Americans and contribute $150 billion to the United States economy.

NATA played a big role in the resurgence of aviation after World War II and continues to play an important advocacy role for its member companies. Most importantly, the association plays an active role in improving safety for its member companies and the traveling public.

I support the resolution, and urge my colleagues to adopt the resolution.

Mr. OBERSTAR. Madam Speaker, I rise in support of H. Res. 1669, as amended, which congratulates the National Air Transportation Association (NATA) for celebrating its 70th anniversary. NATA was founded on December 28, 1940, at a critical moment in the development of general aviation in the United States. At its founding, NATA represented 83 aerospace companies whose leaders unified to represent the interests of general aviation before Congress.

Today, NATA represents more than 2,000 member companies that own, operate, or service aircraft and provide for the needs of the traveling public by offering services and products to aircraft operators and others. General aviation stimulates local and regional economies and supports hundreds of thousands of jobs.

H. Res. 1669 recognizes NATA's historical contributions to general aviation and congratulates NATA for celebrating its 70th anniversary. I urge my colleagues to join me in supporting this resolution.

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

Mr. CARNAHAN. Madam Speaker, I want to thank the gentleman from Tennessee (Mr. DUNCAN) and his service on the Aviation Subcommittee. I appreciate working with him, and for him bringing this to the floor. I have no further requests for time, I would just encourage the body to adopt this resolution, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and agree to the resolution, H. Res. 1669, as amended.

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

A motion to reconsider was laid on the table.

CONGRATULATING CINCINNATI REDS FIRST BASEMAN JOEY VOTTO

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

Mrs. SCHMIDT. Madam Speaker, today I rise, along with all of Cincinnati, to congratulate and celebrate the Cincinnati Reds' first baseman Joey Votto being crowned the 2010 National League Most Valuable Player.

Cincinnati has a rich and proud tradition of great baseball teams. It is the home of the first professional baseball club, which began in 1869. The Reds have won five World Series titles, four National League pennants, multiple Most Valuable Player trophies, and numerous Golden Glove awards. And a number of players have risen to the status to be celebrated in the National Baseball Hall of Fame. The Cincinnati Reds are indeed proud to have the Most Valuable Player, Joey Votto, playing for them.

A native of Toronto, Ontario, Canada, Mr. Votto was drafted by the Reds just out of high school, in the second round of the amateur draft in 2002. He worked his way through the Reds' minor league system and debuted in September of 2007. His defensive skills and offensive production consistently improved leading up to the 2010 season.

Joey Votto helped lead the Cincinnati Reds to their first National League Central Division Title since 1995 with an impressive .324 batting average, including 37 home runs, and 113 runs batted in. Mr. Votto led the National League in on-base percentage, as well as slugging percentage, and receiving 31 of 32 first-place votes by the Baseball Writers Association of America to reward his hard work with one of the most coveted awards in baseball, the Most Valuable Player Trophy. He was named to the National League All Star Team, and won the 2010 National League Hank Aaron Award.

Again I would like to join all of the Redlegs Nation in congratulating Mr. Votto on his achievement. I want to congratulate the owner of the Reds, Mr. Bob Castellini, and his ownership group for bringing a winning baseball team back to Cincinnati. Congratulations, Joey, and go Reds.

□ 1720

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 5 minutes.

(Mr. YARMUTH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

(Ms. JACKSON LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PRIVILEGE AND HONOR OF A LIFETIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KLEIN) is recognized for 5 minutes.

Mr. KLEIN of Florida. Madam Speaker, I rise today to thank all of my colleagues here in the House and especially my constituents back home in south Florida.

The opportunity to serve in this body has been the privilege and honor of a lifetime. I truly have been honored and feel honored to have been entrusted with the responsibility of fighting for families, businesses, seniors, and veterans in our community every single day.

And fight we did. When I came in 4 years ago, we were challenged with a war; we were challenged with a lot of other things. And as those years have passed, there have been new challenges, economy and others.

Together we fought to take on skyrocketing homeowners' insurance costs in Florida and other places. We wrote a commonsense solution that makes insurance look and work like it was supposed to. It wasn't easy, but we brought together every single member of Florida's delegation, Republican and Democrat alike, as well as allies from around the country and passed the Homeowners' Defense Act in a very bipartisan way. I am very proud of that.

We also fought to deliver on a campaign promise in my first race to close the Medicare part D doughnut hole, something that is so significant to so many seniors in my community. Our seniors should never have to make the choice between food and medicine. And because we shall and will bring down the cost of prescription drugs, many in our community will no longer have to.

We stood up for our Nation's veterans, something that is a prized responsibility that every American shares in, because I believe it is our responsibility to fight for those who have fought for us. We passed the biggest increase in VA history to make sure that our servicemembers have access to everything that they need. And we turned local ideas from our Palm Beach and Broward County veterans advisory boards into the law of the land.

But we didn't stop there. We took on energy and the recognition that there is a national security threat of an energy policy that continues to support Middle East rogue countries, in particular Iran. I helped work with others in writing and passing the toughest sanctions in history, because we cannot allow Iran to acquire a nuclear weapon, not on our watch and certainly not on our dime.

We tackled health care and equal pay for women. We expended Pell Grants so that every child and every student has a right to go to college and help create a workforce that will compete worldwide. We passed an innovative and forward-looking energy plan to end our dependence on foreign oil. But most of all, many of us worked together to do what is best for our community.

Some might disagree with any one policy; but I think at the end, each of us in this Chamber knows that we have a responsibility to our country, we believe in our country, and we try to do the right things.

Madam Speaker, my colleagues and south Floridians who are watching today, I want to say thank you from the bottom of my heart for giving me this privilege. Choosing public service isn't always easy. There are bad headlines and tough attacks and long weeks away from your family, and our families truly make the greatest sacrifice. But it is worth every one of those sacrifices for the opportunity to make our country better for our children and our grandchildren than it was for us.

This is the American Dream, and that is what I fought for and many of us fight for every single day at home at here and in town here. When I first came to this historic U.S. Capitol building, a very wise colleague said to me—and it stuck with me to this very moment—look up at the Capitol dome at nighttime. Look at it when we are working late. You see the light at the top and a beautiful dome.

And I look up and I see that every time I am here in the evening, and I see that magnificent dome against the dark sky. And I think about the great figures that have passed through in time here. Most names we will never know, but every one of them was truly just passing through, whether here for 2 years, or 10 years or 20 years. Every one had the same goal to make this country a little better place.

My colleague said to me, if you look up at that dome at one point and you aren't inspired, then it's time to go home. Well, certainly I have been inspired every day I have been here and continue to be inspired, and he was right. The opportunity to serve our community in these hallowed Halls does inspire me, and I hope it continues to inspire every single other person and the next generation of leaders who come into this Chamber.

So I want to thank all of you. Thank you for allowing us to be here. Thank you for the privilege of serving, and I look forward to being part of our community and continue to work on behalf of it.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

(Mr. LINCOLN DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

DEDICATION OF LONG BEACH ROSIE THE RIVETER PARK AND INTERPRETIVE CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. RICHARDSON) is recognized for 5 minutes.

Ms. RICHARDSON. Madam Speaker, I rise today to support the dedication of the Long Beach Rosie the Riveter Park and Interpretive Center. This launch is going to be next Saturday on December 11, and it's going to be a historic occasion, not just for Long Beach, not just for California, but for the Nation. Let me tell you why I would take 5 minutes out of our time to talk about this.

Back in World War II, from 1942 to 1945, we had 6 million brave women, women who stepped forward, who helped us as a Nation to be able to help us to really move forward, to keep the economy going and to really begin to enter into a workforce that they had never been a part of before.

In my own area, 175,000 women bravely worked and led the way. They were really trail blazers, and they worked at the Douglas Aircraft Plant where now we build the very famous C–17.

When you consider a lot of the Rosie Riveters, on average they are about 85 years old. So it's important for us now more than ever to really acknowledge them and to thank them for their service. When we talk about the work that they did and how they supported the United States, they deserve our honor and our respect.

This Long Beach site includes an interactive display of women, Air Force Service Pilots, who were known as WASPs at that time. These women transported the airplanes. They assembled them. They actually flew them to the places where they were needed the most. Because of their efforts, they were able to produce—imagine, women—300,000 airports, 102,000 armored vehicles, 77,000 ships, 20 million small arms, 40 million bullets, and 6 million tons of bombs.

They were as much a part of our success and freedom for people all over the world, the women, the Rosie the Riveters, as were all of the veterans who also served. We will have in this area, not only a park and interactive center, but also a history and the names and telling of the work that these fine women did. There will be a rose-colored walking path, circles around that park area, etched with the timeline of all of the work that these ladies incredibly performed.

Along the pathway, we will have stopping points where there will be

etched stars and colored tiles and replicas of some of the many famous posters that we see today.

The park will also have the ''compass rose'' that was known to be very famous back at that time at the Roosevelt naval base where they would fly from one section to another and that would be their focal point. Adjacent to the compass rose is a quiet garden, a memorial to the men and women who served in the military, noting the inscription: ''All Gave Some, Some Gave All.''

When we think of Rosie the Riveter, it's also been an inspiration to many of us. I see our Speaker who is sitting here now tonight, and I think of some of the things we have had where we have really valued what those women did and how they have inspired us today.

At this particular location, we will have three flags that will be flown. One will be a U.S. flag that is actually being flown today. We will have a California flag and then a local flag as well.

I call on my colleagues to take an opportunity to study and reflect and think about all the important stories that made this country so great. And we certainly couldn't leave out the Rosie the Riveters in World War II who began for many of us and why we stand here today.

□ 1730

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

(Mr. GRAYSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMPHIBIANS: CANARIES IN THE COAL MINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

Mr. QUIGLEY. Madam Speaker, it wasn't many years ago that coal miners relied on a small bird, a canary, to signal that conditions were toxic. The canary in the coal mine would become sick before the miners, who would then have a chance to either escape or to put on protective respirators.

Today, our ecosystems face dire threats. Toxic gases, chemicals and the exploitation of our natural resources have jeopardized our air, water, lands and the wildlife that inhabit our ecosystems. The telltale sign? The frog, the ''canary in the coal mine'' of our natural environment, is sick.

Today, nearly 33 percent of amphibian species are threatened, and estimates of species extinctions over the past several decades number in the hundreds. Losses of these species result from the usual suspects, land-use change, overexploitation and disease.

Why all the emphasis on frogs? Aside from the fact that these animals regulate their local ecosystems and control populations of insects that spread disease, they are important to our human health as well. Findings point the way toward new drugs for fighting diseases such as cancer and HIV/AIDS. Scientists have reportedly found chemicals that are naturally produced in the skin of various frog species that can kill the HIV virus.

But these medicinal tools are disappearing at astronomical rates. That should tell us something. A frog's skin is relatively thin and permeable to water, so frogs are directly exposed to pollutants such as coal ash and environmental radiation. In addition, their eggs are laid in ponds and other bodies of water where they absorb chemicals.

The frog, the canary in the coal mine of our natural environment, is first in line in an environmental pollution war, a war the frog is quickly losing. If we don't heed this call, much like the miners who relied on their singing canary, we are destined for illness and, ultimately, shorter, unhealthier lives.

Sadly, this degradation of human health and quality of life is already happening across the country. Colstrip, Montana, is home to the second-largest coal plant west of the Mississippi. One boxcar-full of coal is burned every 5 minutes. The burning coal creates sodium, thallium, mercury, boron, aluminum and arsenic, which is pumped out of the factory and into the air.

The chemicals that aren't pumped into the air are caught in the factory scrubbers and then dumped with coal ash into giant settling ponds. These ponds are shallow artificial lakes of concentrated toxicity which leach this poison into wells and aquifers. The sludge flows into the surrounding towns and countryside, bubbling up against foundations and floorings, cracking the floor in Colstrip's local grocery store. Ranchers in eastern Montana are now suing the plant for damages. Noxious water, they cite, is the only liquid that fills their wells and stock ponds.

James Hansen, a renowned climate scientist, says Colstrip will cause the extinction of 400 species. But Colstrip burns on. Why? Because we have no national energy plan and because there are currently no federally enforceable regulations specific to coal ash. This lack of federally enforceable safeguards is exactly what led to the disaster in Tennessee, where a dam holding more than 1 billion of gallons of toxic coal ash failed, destroying 300 acres, dozens of homes, killed fish and other wildlife and poisoned the Emory and Clinch Rivers.

From Tennessee to Colstrip and across the Nation, the story is the same. We have no national conservation plan, no national energy policy, no regulatory reinforcement powers. And the biggest environmental disaster the country has ever faced, the Horizon Deepwater oil spill, has not propelled us any further toward passing a cap-and-trade bill through both Chambers. Senator REID said they were sidestepping a cap-and-trade bill for oil response legislation, but we haven't seen that either.

Worse, as we mark 40 years of cleaner air under the Clean Air Act, it is heartbreaking that we must now fight to protect this monument law from attack. Some in Congress are considering weakening this landmark law, seeking to bail out polluters who continue to lobby for loopholes and giveaways that put Americans' health and safety at risk.

We are poisoning our ecosystems, our animals and, yes, our frogs. We are poisoning our families, our communities, our Nation and our entire world. If we do not heed this canary song, we will only have ourselves to blame. And by the time we take notice, it may be too late.

CHAIRMAN SKELTON BIDS FAREWELL

The SPEAKER pro tempore (Mr. CARNAHAN). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. SKELTON) is recognized for 30 minutes as the designee of the majority leader.

Mr. SKELTON. Mr. Speaker, I rise this evening to express my gratitude for the honor of serving in the House of Representatives and to share a few thoughts as I prepare to leave this distinguished body. About this time 34 years ago, my wife, our three boys, and I were surrounded by scores of well-wishers organized by my friend, Bob Welling, as we boarded a train at Warrensburg, Missouri, to travel to Washington, D.C. Shortly thereafter, I was sworn into Congress. I arrived eager to tackle the problems of the day and represent the people of the Fourth Congressional District. It was a political highlight for me.

The Roman orator Cicero said that ''gratitude is the greatest of all virtues,'' and I'm grateful to so many people. First, I'm extremely grateful and appreciative to the residents of Missouri's Fourth Congressional District whose votes allowed me to serve as their Representative in this House for 34 years. Representing the fourth district has been a tremendous privilege.

I also want to thank my family whose support made it possible for me

to serve in Washington, Susie, my late wife, my three wonderful sons and my lovely, understanding and supportive wife, Patty.

I want to thank my friends and mentors in Congress. I can't name them all, but I want to particularly single out the great Missouri legislators, Congressman Dick Bolling, who helped me land a seat on the Armed Services Committee, Congressman Dick Gephardt and Congressman Bill Emerson who were my carpool partners and my great friends. I leave with enormous respect for all those Members who worked their hearts out to help people at home and to help steer our country's path while performing their constitutional duty.

A special thanks to our Speaker PELOSI for her kindness and thoughtfulness through the years.

My colleagues from Missouri have been fantastic.

Finally, I want to thank my dedicated staff, past and present. The talented people who have worked in my Missouri offices, my Washington, D.C. office, on my Small Business Subcommittee staff and on the staff of the House Armed Services Committee, are the unsung heroes who get the business of government done. I can't thank them enough for being part of my staff and serving the American people so very well.

I have led a charmed life in many ways; but as a youngster, I learned that a person's life can change forever in an instant. After contracting polio, I was fortunate to receive treatment at the Warm Springs Foundation in Georgia. Polio affects each person differently; but at Warm Springs, patients learned valuable lessons about life—never let illness define you, never be limited by the expectations of others, never give up, and never stop working. By applying the belief that nothing is impossible if you work hard, thousands of Warm Springs alumni, including myself, have led happy and productive lives.

And it is no coincidence that three patients between 1947 and 1950 at Warm Springs became Members of this body—Jim Schuer of New York, Bo Ginn of Georgia and myself.

Growing up I was inspired by my father's runs for statewide office and for Congress, and also by his service as Lafayette County prosecuting attorney. I had just completed my own term as Lafayette County prosecutor and was practicing law when President Harry Truman called to ask me to consider running for Congress in 1962. In 1976, I decided to run for Missouri's Fourth Congressional District seat. I have been on the ride of my life ever since.

□ 1740

It is a great honor to serve in the U.S. House. This House is filled with principled public servants who work hard to give voice to the needs of voters back home. Members of Congress bring the theory of representative democracy to life every time they participate in House business, and every time they listen to the hard-wrought concerns of their neighbors.

As a member of the House Armed Services Committee, I aspired to become chairman one day. Serving as chairman is undoubtedly the high point of my political career. The HASC family of Members and staff is very special. Members of Congress lucky enough to serve on this committee have traditionally worked in a far less partisan atmosphere than on other committees. Article 1, section 8 of the Constitution grants Congress the obligation to raise and support armies and to provide and maintain a Navy. All Members approach this important work very seriously, with the goals of protecting our Nation's security and also doing what is right for our men and women in uniform and their families.

American politics through the ages have frequently been rough and tumble, and at times some might even say mean. But to my mind, national security transcends politics. In the realm of national security, we must make the effort to work together in a bipartisan way, to stand before our allies and the world as a united front, to strengthen our Nation's defenses under the banner of consensus.

As chairman, I have always sought to maintain this bipartisan atmosphere, and I hope that culture instilled by many HASC chairs who served before will carry on under the able leadership of the new chair in the incoming Congress, Congressman BUCK MCKEON. I am confident it will.

Throughout our country's history, the Nation has experienced many challenges. We have had economic crises, agricultural hardships, military engagements, and Members of this body responded to each one as it came along. I am proud to have been a Member of the House of Representatives, and I will always cherish my service here.

I leave with some anxiety for the future, however. In the past, this body has worked best after great debates, when men and women of strong principles have met and compromised on those difficult issues, which at the time could render us asunder. But through meeting in the center and solving the problems of the day, our country benefited. It was able to progress.

As a result of the last election, the center has been holed out, and more Members will represent extreme points of view, which is likely to make meaningful compromise difficult, if not impossible. Once again, our system of government and our citizenry will be tested, and the outcome will determine, borrowing the eloquent words of President Lincoln's Gettysburg Address, ''whether that nation or any nation so conceived and so dedicated can long endure.''

When returning Members and new Members arrive in the Capitol for the new Congress in January, they will confront enormous challenges as they work to chart the course of our country in the days ahead. These challenges include the economy and jobs, health care, education, to name a few. But I implore our citizens and our leaders not to forget that we are a Nation at war. Unless our government protects our national security, none of these other important issues can receive the attention they deserve.

National security must be our number one priority. I believe all Americans' good intentions support the troops and their families. But those intentions must be reflected in action, and Congress bears the Constitutional responsibility to fulfill this sacred duty.

My greatest concern is that a chasm will develop between those who protect our freedoms and those who are being protected. I have often talked about what I perceive to be a civil-military gap, a lack of understanding between civilians and the military that has grown in the era of an all-volunteer force. For those not in uniform or connected to the military in some way, it is easy not to relate to our servicemembers' difficulties as they deal with the trials of war and combat, multiple deployments, family separations, missed birthdays, and other sacrifices too numerous to mention.

As a Nation, we must strive to narrow that gap and bring our citizens together. United we stand, divided we fall. The men and women in uniform who form the backbone of our security cannot devote their all to protect us if we fail to provide what they need to perform their missions, stay safe in the field, and take good care of themselves and their families at home. Keeping America safe demands a national commitment to maintain military readiness. During my time in Congress, the United States has been involved in 12 conflicts, some large and some small. If the future is anything like the past, conflicts, natural disasters, and other crises will frequently pop up without warning. Preparedness is essential.

Today's forces are the latest in a long line of sentinels of freedom. Our soldiers, sailors, airmen, and marines must have no doubt about the high value we place on their service. Our commitment to our servicemembers and their families will also help the next generation understand that these patriotic volunteers are critical to the survival of our Nation. To protect America's future, we must inspire the next generation to join the noble service of these ranks.

I have always considered each young man and woman in uniform as a son or daughter. They are national treasures and their sacrifices cannot be taken for granted. They are not chess pieces to be moved about on a board. Each and every one is irreplaceable. Issues of national security and war and peace are too important to lose sight of the real

men and women who answer our Nation's call and do the bidding of our Commander in Chief.

You can't do the job as a Member of Congress for so many years unless you love it, and I do. It is a labor of love. And to paraphrase my fellow Missourian, Harry Truman, I have done my damndest every single day. I will forever be grateful for the trust Missourians have placed in me through the years and for the opportunity to serve Missouri's Fourth Congressional District, the U.S. House of Representatives, and the United States of America.

As I leave this House, these lines from Alfred Lord Tennyson's poem ''Ulysses'' express my feelings very well:

Much I have seen and known; cities of men
And manners, climates, councils, governments . . .
And drunk delight of battle with my peers . . .
Some work of noble note, may yet be done . . .
Come, my friends,
Tis not too late to seek a newer world.

Mr. Speaker, thank you for this time.

HONORING CONGRESSMAN IKE SKELTON

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

Ms. PELOSI. Mr. Speaker, I rise to sing the praises of a great man, Chairman IKE SKELTON. We all heard his beautiful address to us, and in it he started where his heart is, with his family, expressing his love for his family, his appreciation for his staff, his respect for his colleagues, his admiration for our great country.

I am so pleased that we have been joined by Senator CLAIRE MCCASKILL, coming over from the Senate side to make the respect for Mr. SKELTON bicameral, and that we are joined by Congresswoman JO ANN EMERSON, making that support bipartisan, as well as being joined by so many Members of the Missouri delegation, and that you, Mr. CARNAHAN, are in the chair for Mr. SKELTON's presentation. I know we will be hearing from our distinguished majority leader Mr. HOYER, but I think it is important to note that EMANUEL CLEAVER of Missouri is here, LACY CLAY of Missouri is here, and other Members, Chairman MILLER, chairs, colleagues, new Members, senior Members—that is how Mr. SKELTON is regarded and respected in the Congress of the United States.

□ 1750

He made his speech the way he served in Congress, surrounded by friends, admired by all, on both sides of the aisle, on both sides of the Capitol. He began by talking about his family, and he ended by talking about our men and women in uniform, which are like sons and daughters to him.

He has always taught us that, as President Kennedy said, We'll pay any price, bear any burden. Mr. SKELTON said to us over and over again, as he did this evening, that protecting the American people is our first responsibility. Our young men and women in uniform make us the home of the free and the land of the brave, and we can never forget that. They have no greater champion in the Congress than the chairman of the Armed Services Committee.

I know I speak for every person in this Chamber when I say, Mr. SKELTON, thank you for your leadership for our country. It is an honor to call you colleague. Thank you, Mr. SKELTON.

HONORING CONGRESSMAN IKE SKELTON

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

Mrs. EMERSON. Mr. Speaker, I would be remiss if I didn't try to tell a little bit more of the story that our beloved friend and colleague IKE SKELTON started. It kind of started all back about in 1980 for my family with IKE when my late husband, Bill, and he drove in to work every single day, and the stories that I learned both from Bill and IKE, because I used to then take IKE in after Bill, and every Thursday now that we come in with prayer breakfast has been, for me, a remarkable experience because of what I have learned from our colleague IKE SKELTON, both from history and also an understanding of the great love that he has for our wonderful State of Missouri.

His commitment and his dedication have been extraordinary, and he has been, for me, not only a real hero but also someone whom I have tried very hard to learn from. You have set an example, IKE, that is impossible for anybody else to meet; but certainly you have been a role model for me and so many others before me, and I just want you to know how important you are not only to me, to how important you were to Bill, to Tori and Katharine and to Ron and Sam and the rest of the kids, IKE. But more importantly than that, you have been special for our country.

You are what every Member of Congress should want to be, and that is a man of great courage, a man of great fairness. You have shown me and others how important it is for us to be civil to one another, how we should talk to one another, and I hope that the example that you have set will continue on in this great body. You will be sorely missed, and we really love you.

HONORING CONGRESSMAN IKE SKELTON

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

Mr. HOYER. Mr. Speaker, IKE SKELTON is my brother. He and I are both Sigma Chi's. There's a lot of misinformation and misapprehension about fraternities and sororities. Sigma Chi was founded by seven individuals, one of whom was a gentleman named Jordan, and the Jordan standard requires of those who pledge that fraternity to live by certain standards. Those standards are what we would expect of all of us and hope for all of us.

I have been a member of that fraternity for over half a century. No Sigma Chi that I have met has been more faithful to meeting the standards of conduct and character and courage and fidelity to purpose than my brother IKE SKELTON.

IKE SKELTON is the father of a Sigma Chi and the son of a Sigma Chi and the grandfather of a Sigma Chi. Is that correct, IKE? I think I have it in order. But IKE SKELTON has been a colleague in this Congress. IKE SKELTON, as Mrs. EMERSON said and as Speaker PELOSI said, and as others will say, is the quintessential example of what the American public would hope all of us would be. He's thoughtful, a great intellect, faithful, patriotic, and he teared, of course, as he mentioned the troops, the men and women who serve this country in uniform, the men and women who have had no greater advocate than IKE SKELTON of Missouri, the men and women of our Armed Forces who have had no greater advocate in terms of not only the quality of their lives, their housing, their health care, their benefits, but also the assurance that they had the best technology that was available to make them not only as effective but, as importantly, as secure and safe as they could possibly be.

IKE SKELTON is a good and decent man who has served his country extraordinarily well. He quoted the Tennyson poem, ''Ulysses.'' What a wonderful poem. He didn't quote the end of it, which is essentially that Ulysses, then old, Telemachus, the king, left to his son the duties of being king and brought his band of brothers together to go forth to strive, to seek, to find, and not to yield.

There is no doubt in my mind, Mr. Speaker, that IKE SKELTON will continue to be an extraordinarily faithful citizen of this country, an unswerving supporter of those in uniform, of our Armed Forces, and of our national security, and one who will uphold the highest standards that this institution would hope all of its Members maintain, and he will continue to strive to seek to find and we know he will not yield. But in not yielding on principle, he will be faithfully courteous and respectful of others, as he has been every day on this floor, in his committee, and in the hallways of our offices.

His late wife was named Susan. My oldest daughter is named Susan. Susan Skelton, in the spring of 1981, came to Bowie, Maryland, and knocked on doors, and the doors opened and she said, I would like you to vote for STENY HOYER for Congress. I loved Susan. We lost Susan a few years ago. She was

like her husband—a beautiful, beautiful person.

It is a sad day that IKE SKELTON leaves this Chamber. It will not be today but in a few weeks, but it is a wonderful day for all of us to count ourselves blessed by being part of the life of this extraordinary, good, and decent man, IKE SKELTON of Missouri. IKE SKELTON, patriot. IKE SKELTON, a wonderful, great American.

Thank you, IKE SKELTON.

HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CLEAVER) is recognized for 5 minutes.

Mr. CLEAVER. Mr. Speaker, in 2003 I was teaching at the Bloch School of Business at the University of Missouri in Kansas City, serving as a talk radio show host on NPR and pastoring a congregation.

□ 1800

I received a phone call from Congressman IKE SKELTON, who began the request for me to give up my peaceful and loving life to run for Congress as my predecessor, Karen McCarthy, had decided not to seek reelection. I chose, in large part, to pursue this office at the request of Congressman IKE SKELTON.

Mr. Chairman, I have three sisters whom I love dearly. From the age of about 3 to about 7, I made requests repeatedly to my parents for a brother. I'm not even sure I knew how that brother could come into existence, but I made the request nonetheless. That never happened, but I can say here in this Chamber, Mr. Speaker, that, if I had had a brother, I would have liked for his name to have been Ike. If I had had a brother, I would have liked for him to have had the patience, the intellect, and the spirit of IKE SKELTON.

There is very little secret around our home as to who is the favorite Congressman for my 7-year-old grandson, Isaac Cleaver. One of the great delights of his life—and probably the older he gets the more significant it will be—is already having been introduced to Congressman IKE SKELTON at an event at Royals Stadium. In that introduction, he said that IKE SKELTON was named after him. So, in our household, from my wife, Dianne, all the way to Little Ike, we all have great admiration and love for IKE SKELTON and his family.

It will be difficult to roam these Halls and not see IKE SKELTON or to come into this hallowed room and not look at the seat where he usually sat and where the Missouri delegation would, from time to time, gather around him. I have said to him and to others in his presence that this man has the ability to walk with kings and Presidents and not to lose the common touch.

As chairman of the Armed Services Committee, IKE SKELTON was one of the most influential human beings, not only in this country but in the world—the most revered Member of Congress by the military of the United States of America. Yet any Member of Congress, frankly, from either side of the aisle, could stop IKE SKELTON and hold a conversation. He never lost the common touch.

It will be difficult for me not to see him in this place. I speak of the man IKE SKELTON from Lexington, Missouri; and I speak of a man whose career in this body will be recorded by historians as a majestic moment for the military of the United States of America.

I yield back the balance of my time, Mr. Speaker, because I think IKE SKELTON deserves far more eloquence than I can present. Hopefully, a combination of everything we say will match, in some small way, the elegance with which he served this Congress.

HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON of Connecticut. Mr. Speaker, I rise to honor a fellow colleague and a person I have grown to love—our distinguished colleague from the Show Me State.

I was blessed when coming into this Congress that the first committee I was appointed to serve on was the Armed Services Committee and to be there under the guidance and tutelage of IKE SKELTON. I was the last person appointed to the committee that year.

In fact, my mother would often say to me, How come I never see you on C–SPAN? That was because I was sitting behind the camera so they couldn't actually see me on C–SPAN.

But IKE SKELTON, as he does with everyone, treated the lowest member on the committee, who was me, with the same kind of dignity and respect and solid advice as he does with every Member of this Chamber.

IKE SKELTON, as has been said by so many speakers with great eloquence, cares so deeply for his home State, for his community, for his great family, and legacy. Imagine, in this Chamber, sitting and serving with a direct descendent of Daniel Boone and knowing how proud he was of that legacy and how proud, growing up in his great State, he was of his dad, whom I learned about in so many conversations with him, and about Harry Truman and the great history of Missouri.

When you would go there to Lexington, when you would travel and stay at his home—and as STENY mentioned—with his wonderful wife, Susie, who was such a kind, generous and kindred soul mate of IKE's, you would walk around that district and see the respect and the reverence that the people held for IKE SKELTON.

I think I was there to talk about ethanol, but I've got to be honest with you. Joanne Morrison probably knows a lot about it, but I didn't know a great deal about ethanol. By golly, by the time I was through, you would have thought I was an expert at it.

To travel with this man abroad, you see the respect at our war colleges, amongst our military leaders, amongst heads of state, but most important to him are the men and women who wear the uniform of this country.

He carries his legacy, his great family name, his State, his community, and his country. He wears that well on his face. He shoulders it well, but he carries in his heart a love and devotion for the men and women who serve this great country of ours, and everything he has done on this great floor has been on their behalf.

All men and women who serve in our Armed Forces owe such a great debt of gratitude to this humble, passionate servant of our country and the proud standard-bearer of his great State of Missouri in the way that he has held forth on behalf of the citizens he has sworn to serve and the men and women who have represented this great country of ours and who have given the full measure of their devotion.

□ 1810

Like so many here, I love IKE SKELTON. He is a man of the House, a man for the ages because he led with that big heart of his and cared so deeply about people who serve this Nation.

God bless you, IKE SKELTON. We are all better for having served with you.

A TRIBUTE TO IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CLAY) is recognized for 5 minutes.

Mr. CLAY. Mr. Speaker, let me first say that I, too, am here to thank IKE SKELTON for his friendship, for his service to this country, and especially for his friendship to me.

My relationship with IKE SKELTON goes back more than 30 years. I was a teenager when I first met him because he served with my father—both represented the State of Missouri—and I can remember the day he arrived here. I went on through college and happened to wind up serving in the State legislature for 17 years in his district, in Jefferson City, so our paths would cross on occasion.

But ladies and gentlemen, this country will never witness an individual like IKE SKELTON. There will never be another one like him to cast a shadow on this floor. You have served this country and your State well, and you have also given me a great appreciation for our armed services, the men and women who some make the ultimate sacrifice for this country.

As Rev. CLEAVER and others have said, I have also visited Lafayette and have been to IKE's home, but I have also been to the military bases with IKE, to Whiteman Air Force Base where

they house the B–1. And he has been my compass in this House on military issues.

He has also been, as Rev. CLEAVER said, a brother to me. I had two sisters, too, IKE. I never had a brother, but if I could ever identify somebody as a brother, it would be you. I know I will miss you. I will miss your guidance, I will miss your mentoring.

We have truly witnessed a legislative giant in our midst. You have done your job, you have done it quite well. I know this won't be the last time that we see each other and I know that you will frequently visit us, but for the Missouri delegation, you were there for all of us.

He was the senior member of the Missouri delegation and never hesitated to call us together. We have so much cohesion as a State because of his leadership. I appreciate that, IKE. I appreciate how you have taken me under your wing and given me guidance here, and I will love you for it for the rest of my life. As the saying goes, ''Old soldiers never die, they just fade away.'' But you won't be fading too far.

I love you, IKE SKELTON. God bless you, and God bless the United States.

A TRIBUTE TO IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Speaker, it is a privilege and an honor to be here this evening to honor a great American. I have had the privilege of traveling throughout the world with IKE SKELTON. One of my first trips was with IKE SKELTON. We went to the Far East. We had Thanksgiving with our troops at the DMZ in South Korea. Subsequent to that, we also took a trip to Bosnia several times, spent one Easter with the troops. So many memories of trips to visit the troops and their families to look at the facilities, to make sure they had all the equipment they needed to have, all the support that we could possibly have been able to give them on the committee.

I have had the privilege and honor of visiting IKE's district in Missouri, and I invited Chairman SKELTON to come to El Paso. I grew up in a little town right outside of El Paso by the name of Canutillo. The main street of this little town was Doniphan Drive. Never did I dream that I had grown up in this environment with a direct connection to Missouri, because when IKE SKELTON came to my district, he immediately recognized the connection. He said, This street was named after Colonel Alexander Doniphan, who was a Missourian and came to Texas to save Texas. Immediately a connection there.

Chairman IKE SKELTON is, in my eyes, a professor of history, a professor of, particularly, military history. We all famously have a list of recommended readings from IKE SKELTON. I have to confess I haven't read all those books yet, but I am working on it. It gives you a better understanding; but for me, it gives me a unique perspective on who the man, IKE SKELTON, is.

I couldn't agree more with my colleagues here this evening in paying tribute to a great American, a giant that has served this institution with dignity, with honor, with great passion, and with great love and care for our military men and women and for their families.

IKE, it has been a tremendous honor to serve with you. I have learned so much from you that I think, by any measure, if there is a new Member coming here, my recommendation would be to emulate the great Chairman IKE SKELTON.

Thank you. And thanks to the people of Missouri for sharing you for over three decades of great public service to this great country. For me, an honor; for this country, an American legend. Thank you, IKE.

God bless you, and God bless this country.

A TRIBUTE TO IKE SKELTON

The SPEAKER pro tempore (Mr. CLEAVER). Under a previous order of the House, the gentleman from Missouri (Mr. CARNAHAN) is recognized for 5 minutes.

Mr. CARNAHAN. Mr. Speaker, I want to just add my voice to these remarks this evening about our friend and colleague, IKE SKELTON of Missouri.

He first came to this Congress in 1976 with my predecessor, Congressman Dick Gephardt. That was the first year I voted, 1976. I was a senior in high school that year. And to watch him grow in leadership to become what I believe is really a national treasure—his voice advocating for American troops and their families, his leadership on national readiness for current conflicts and future conflicts that we may face—has really been unparalleled.

□ 1820

We respect his leadership and what he has done for the strength of this country. In Missouri, he has been a leader. He has been the dean of our delegation.

I had the honor to work with him. I also had the honor to travel with him to visit our troops in Kosovo and elsewhere. And we've seen what he's done to transform two vital military facilities in Missouri—Whiteman Air Force Base and Fort Leonard Wood—to become what they are today.

He's not only a student of history, but he has been a great teacher and a great mentor. He's been a family friend. It has been an honor and a privilege to serve with him, to call him ''colleague,'' but also to see his example for public service. He has been a model for what public service is all about.

I know that he has several chapters left to write for what he does to give back to this country and our great State, and we look forward to seeing those for years and years to come.

Best wishes to you, my friend.

HONORING IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. DAVIS) is recognized for 5 minutes.

Mrs. DAVIS of California. I rise today to say thank you, thank you to IKE for being such a great mentor, for taking me under your wing, for telling me a little bit about what it was like for you when you chaired the Personnel Committee a number of years ago. And I think you told me that early on, when I came onto the Armed Services Committee, but it was a few years later when I actually had the great honor of chairing that subcommittee. And then I felt such an incredible burden because I thought, you know, IKE has done this before, and how could I live up to who he had been and the way he had cared for the troops and their families and kind of got through some of the really tough times, because when you deal with those issues, you know that you're going to be looking, wanting to do everything in the world when you can't, when there are limits to what you can do.

And I just really remember you telling me about that and letting me know, get in there, but you better do a good job, he said. I want you to do a good job. I don't want you to screw it up. And so I certainly had that burden.

But more than anything else, IKE, you are such a splendid gentleman, and we use the word kind of loosely here. Sometimes I think we often say ''to the gentleman from'' whatever State that might be. You are the gentleman. You are the epitome of what we all believe to be someone who serves in this body and who cares so deeply and who has such strong principles and who teaches us all. And I think we all want to live up to that standard you set. It's not easy, and you made it really hard for everybody to do that, but I think we all strive for that the best we can.

I know that I didn't have an opportunity to be in your district, but you came to my district. And you and your late wife, Susie, were there, and we had just the most marvelous evening.

I remember I was then at an event that you spoke at, and I remember looking around the room and everybody was just, you know, transfixed, really, on your words. You were telling one of those stories and it went on forever, but that didn't seem to bother anybody. They were just delighted to be in your company and to hear you speak and to hear the way you interacted with all the people in the room, but telling those stories. President Truman, of course, came into that story and your father.

I have just enjoyed serving with you. I can't tell you how much I'm going to miss you. It's going to be a lot. I know you're going to miss everybody here as well. But we are all so much better for having served with you.

Thank you.

HONORING IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, what does an Irish Pennsylvania boy have to do with IKE SKELTON standing up here and talking? Actually, I have roots in Missouri. In Farmington, my ancestor, Sarah Barton Murphy, started the first Saturday school west of the Mississippi in Missouri. And that was a little story I told IKE. I don't know if he remembers it.

But it comes from times that IKE and I traveled together on congressional delegation trips. He had asked me to travel with him to Afghanistan and Iraq at Thanksgiving—we did that twice—giving up time with our families by traveling out there to be with the soldiers. Small codels as they were, but I think they meant a lot certainly to the soldiers that were sacrificing so much for our country. And I thought it pretty amazing that here was this gentleman, in the truest sense of the word, being willing to giving up his holidays with family to be over there, and I was certainly pleased and honored to go with him.

And we had some interesting times. A meeting with General Petraeus, a meeting with General McChrystal, seeing the ins and outs of what takes place in a war zone, talking to soldiers in the most candid ways about the stress that they face. And I know, for me, I learned a great deal from them, but I also learned a great deal from my friend, Congressman SKELTON, about the ins and outs of what takes place in the military through his chairmanship and ranking membership of what he's learned from the House Armed Services Committee.

But there's also things you learn about a person under times of stress.

IKE and I have the dubious distinction of being the only two Members of Congress ever injured in Iraq, and it happened on a dark night. We were traveling, after having met, I believe, with General Casey, on a road back to the Baghdad Airport when this up-armored minibus we were traveling in—referred to affectionately as an ice cream truck—suddenly hit something. We heard a boom. We're up in the air, bounced, rolled over the side, and both of us slid inside the interior. I was injured a bit. That doesn't matter. IKE had his own symptoms. And a lot of chaos occurred at that moment. And we learned what happens on a military site when there's an injury that occurs, that soldiers are swarming around securing the perimeter, ambulances arriving trying to take care of both IKE and me at that moment. An incredible dedication and skill of these soldiers. We had intended to visit a hospital but not in a horizontal position.

What occurred afterwards, taking us in an ambulance, and we're both in some pain—nothing compared to what our soldiers face. But an interesting little thing happened with one of the staffers at that point. Erin reached in and patted my toe and said, ''I'll pray for you.'' And the ambulance door closed. And IKE, always a man of good humor, said, What am I? Chopped liver? What's wrong here? No one's going to pray for me? He had issues, too.

We went to a hospital then in Baghdad. Some difficult moments. Hearing the cries of a young boy whose room was near ours who, we understand, his parents had just been killed, and he was hurt, too.

And then traveling over to Balad where our soldiers who were wounded pretty severely were all being prepped to take to Landstuhl Hospital in Germany, and to see what takes place as people with some pretty severe injuries were prepared, sometimes on basically a traveling intensive care unit with doctors and nurses around them.

And IKE and I are both on our helicopter trip over there. And having those moments when you're lying on this litter on this same helicopter that carries so many of our wounded soldiers, it gives you something to think about. And of course traveling over to Landstuhl on this big C–17 for several hours' flight.

But now and then I would hear this voice coming from either above me or below me, wherever we happened to be on that particular flight, there's the voice of IKE saying, Well, what do you think about this? Well, we're learning something here. Always just that little bit of humor and putting that little bit of perspective on an otherwise pretty stressful situation—not only of what was happening to us but being around all of these wounded and all of these doctors and nurses doing so much.

I'm sure IKE has lots of variations on the stories he tells, but what is important to hear is, after we came back, he had of course made sure that that one staffer who tapped my toe and said ''I'll pray for you'' understood that he wanted prayers, too. And it was some time after that, I believe, IKE, that what you received was a note that a mass was being said for you by the Pope. So you certainly outranked me on what was happening there.

□ 1830

But it's his humor, it's his knowledge, it's his incredible class. A lot of times Americans may hear criticisms of Members of Congress. And you may hear the bipartisan attacks on each other, which is hardly bipartisan. That makes the evening news. When people call each other names, when they insult each other, when they play political games, that's going to make the front page. What you don't hear about is the genuine friendships and respect we have for each other.

And let me tell you, IKE, I can't think of anybody in this House that I have more friendship and respect for than what you have taught me. The people of Missouri ought to be real proud that you served them for so long. I know they are. And I am mighty proud to have had the honor to serve with you, and a man that I can always call my friend. God bless you and thank you.

HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) is recognized for 5 minutes.

Ms. SHEA-PORTER. There is a button from an old Presidential campaign that says, ''I Like IKE.'' In this case, I love IKE. We will have to have a new button to talk about IKE SKELTON. I arrived in the House 4 years ago on the Armed Services Committee, met IKE SKELTON, and recognized immediately that he wasn't just a friend of the generals and a friend of the powerful; he was a friend to everybody. And I had the great pleasure of traveling with him. And I saw the way he treated the very, very young soldiers.

And having been married to a young soldier at one time in my life, I recognized how overwhelming it was when anybody above the rank of sergeant spoke to young men and women. And here was the chairman of the Armed Services Committee of the United States of America bending over to get some words of advice from the young men and women of this country who serve us. And that has stuck with me, IKE.

It's true that you are an incredible scholar, a historian. If IKE says it's so, it is so. And he often told us what was so. And he gave us lists to read and things that we should do and things that we should know. And he was always right about that. And when I traveled with him abroad, the respect that we all received because we were with IKE SKELTON was absolutely impressive and overwhelming.

And so to say good-bye is extremely painful, but I think what we really need to do is celebrate the great gift that you gave this country, the gift that your family gave this country, the gift of you, your time, your knowledge, your experience, your wisdom. And the way the rest of the world views you is the way we view you, with tremendous respect, and admiration, and love. Thank you very much for your service.

HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LORETTA SANCHEZ) is recognized for 5 minutes.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank my fellow colleague, Mr. GARAMENDI, for being so generous with this hour. To our chairman, IKE SKELTON, thank you. Thank you very much.

What I have learned, sitting for 14 years, my full time here in the Congress on this committee, has been invaluable. And you were actually the first to ask me to go on a congressional delegation, the first to take me before some of the world leaders, the first to tell me about what it was to be in the military. And all the information you gave me, ''Learn the ranks, LORETTA. Learn what a star means. Learn what two stars mean.'' Just all the very beginning information 14 years ago when I got to the committee, I cannot say enough, IKE. I really can't.

Aside from being somebody who has loved the troops, and you have, and I have seen that just as my colleague, Mrs. DAVIS, and I sitting on the Personnel Subcommittee have seen that from you, aside from really being the champion for the troops, and that's how I will always remember you, you are really a Congressperson's Congressperson. You are somebody that we model ourselves after.

And, IKE, from the bottom of my heart, we will miss you. Thank you. Thank you for all the memories, for all the learning, and in particular for taking some of the women on the committee under your arm and showing us what it is to serve proudly on the House Armed Services Committee. Thank you, Mr. Chairman.

HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR. Number one, I want to thank Mr. AKIN for allowing us to go into your time a little bit. As a fellow Missourian, it's obviously time well spent.

Mr. Speaker, I have a Vietnamese American friend who has a limited use of the English language. He is also very devout. I once saw him at his boatyard hit his thumb with a 5-pound maul. And having a limited use of the English language and also being very devout, he did not use the kinds of words I would use in that situation. He just shouted over and over as he was shaking his thumb, ''No joy.'' This is a ''no joy'' moment.

For those of us who have had the privilege of working with IKE, we want to say thank you. If you are the mother or father of a troop, a marine, a coastie, a sailor, you should know about IKE SKELTON. You should know his name. In our line of work, if you do something stupid, you are a headline. If you do the right thing, people don't know your name.

But if your child has been saved because of a mine-resistant vehicle, you should know IKE SKELTON's name. If you are a military retiree who is enjoying the benefits of TRICARE for life, you should know IKE SKELTON's name. If you are a guardsman or Reservist who is now eligible for TRICARE, you should know IKE SKELTON's name.

What he won't ever tell you, out of concern for his kids, and I won't tell you the branch, but he has two sons who are officers in the United States military. But what every mom and dad should know is that there was one more parent out there looking out for their kids, and that was IKE SKELTON.

So, IKE, for all of those things and for your great humility, I got to tell the story. IKE visited a Coast Guard buoy tender on the Missouri River. And given his nature, obviously he paid his respects to the captain, engineering officer. But then he sought out the lowest-ranked person on that boat, a seaman apprentice. Went back to him and said, Hi, how are you doing? I am IKE SKELTON. I am a Congressman from Missouri. How do you like the Coast Guard? I do. He said, Have you ever had a Congressman on your buoy tender before? And the kid said, No, and I hope to hell we never do again. They have been working my butt off for the past 2 weeks scraping and painting, getting this boat ready for you, sir.

Now, only IKE SKELTON would tell that story about himself. So now the rest of America knows. And I hope that seaman apprentice is listening tonight, and I hope he made chief one day.

But, IKE, you have been an incredible role model. Someone who put together a $600 billion bill that involved the lives of airmen, marines, sailors, and to some extent coasties, certainly the troops in the field, and it passed out of your committee unanimously. That is an incredible feat. And all of us are grateful for your service. God bless you.

HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GARAMENDI) is recognized for 5 minutes.

Mr. GARAMENDI. It was 13 months ago that I was given the great privilege of becoming a Member of the Congress. And it was 7 months ago that I was given another privilege of becoming a member of the Armed Services Committee. For the last hour and 10 minutes, we have heard from Chairman SKELTON and from his colleagues that have expressed their appreciation based upon their knowledge and their experiences of working with an extraordinary man.

I feel cheated that I don't have all of those years that my other colleagues have had to learn and to share time with Chairman SKELTON. My 7 months have been just too short; but in those 7 months, I have found the opportunity for friendship, brotherhood, and the opportunity to work and to be mentored by an incredible individual.

□ 1840

What you have seen here tonight is the outpouring of emotion and respect for a gentleman that has served this Nation and the armed services for 34 years in the capacity of a Member of Congress. That's an incredible record. Seven months of that I have had a personal experience of, and I value those moments intensely.

I have had my hours on the floor talking about policy. I have not had such an important hour as this hour listening to the Members of this Congress speak of one of their colleagues. It has been a very good hour.

Chairman SKELTON, you are loved, beloved, for a very good reason. You are a unique individual.

HONORING IKE SKELTON

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

Mr. AKIN. Mr. Speaker, I also wanted to add my note to the already numerous congratulations and praises for Chairman SKELTON. I have served my 10 years in Congress on the Armed Services Committee. I told him the night before last at a reception that I thought that IKE was like my big brother down here.

You know, sometimes as we go on CODELs in the field, and we can talk to different level officers, sometimes it's a sergeant, sometimes it's a general, sometimes it's in between, how we get different answers, and sometimes a well-placed question to the right person is very helpful. I am a Republican, and sometimes a well-placed question to a Democrat is a very smart thing to do.

I will ask IKE, I say, I think I have got a bright idea, IKE, but what do you think of it? And he will tell me sometimes, TODD, that's the dumbest thing I ever heard. And sometimes he says that would be a good thing if you can get that done. Because IKE is like a big brother. He is a big brother to everybody down here.

IKE runs a committee the way I understand it used to be done, where the objective is to deal with the security of our country, and that is the business of the committee.

So I thank you very much for your great work down here. We are going to miss you a lot, Mr. Chairman, Mr. Marine, and my big brother.

God bless you and Godspeed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 4853, MIDDLE CLASS TAX RELIEF ACT OF 2010, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. POLIS, from the Committee on Rules, submitted a privileged report

(Rept. No. 111–671) on the resolution (H. Res. 1745) providing for consideration of the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

HONORING IKE SKELTON

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

Mr. POLIS. Madam Speaker, I rise today to honor my departing colleague, Representative IKE SKELTON. I did not get to work closely with Representative SKELTON, but I want to say it's the small things that make a difference. There was one day my sister, who had been working for the Pentagon at the time, was part of the Quadrennial Defense Review team, the QDR team. When they had that hearing, the chairman invited me right up to the podium with the committee members to be there during that presentation, and that was a great honor.

I would like to say that despite his political views in other areas, I never sensed that he treated me any differently because of my sexual orientation, and I think he fully respected me as a Member of this body.

It was really those small things and the courtesies that he showed me that made him stand out in my mind as an inspirational leader of this body who will be sorely missed. It will only be a short period of time, no doubt, until his name appears on a battleship or aircraft carrier, and I look forward to visiting that one day.

CONDITION OF OUR ECONOMY AND WORLD ECONOMY

The SPEAKER pro tempore (Ms. TITUS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Madam Speaker, I appreciate the opportunity to join you and my colleagues tonight in a discussion that has been very much in the attention of people now for a number of years and something that because it is so important it has maintained the attention politically for many, many months, and that is the condition of our economy, indeed, the condition of the world economy as well.

This might seem like kind of an esoteric topic, but it affects Americans all across this great land, and the main effect is that people don't have jobs. When you don't have jobs, things don't go so well.

The American Nation was founded by many, many courageous people over a period of hundreds of years, and they came to this land with dreams in their hearts, an idea to try something out, idea to test their abilities, to make something that had not been made before, do something that had not been done before.

And so they came. Initially I talked a couple of weeks ago about that brave band of mothers and fathers and kids that we call the Pilgrims. They came to this land with a dream of starting a new Nation.

In the first few months half of them almost died, just slightly under half. And yet when the Mayflower left Plymouth Harbor, those people that had that dream in their heart stayed because they believed that this could be a special and a unique Nation. And they saw themselves, as Governor Bradford wrote, as stepping stones to others who were coming to found a new nation.

Starting with that little group and with others even before them at Jamestown, you have people like Thomas Edison. He had the idea that he would make a light bulb. So he made a 100 different lightbulbs, all of them failures, and his attitude was, well now I know 100 ways not to make a light bulb.

So it was that America, with all of these courageous people that had that perseverance and that grit, one person at a time started building this Nation, one dream at a time. It became such a common thing, we gave it a name: We called it the American dream. The dream was to be able to come here with barely the shirt on your back and end up in much better condition than when you started. And so the condition we find ourselves in with unemployment high, and the economic conditions difficult, is something that we should view is not very consistent with our past or what we expect from this country or the standards that we would hold up.

The condition of the economy is one of those things that if you look at it from a mathematical point of view, there are basic principles in economics that govern how things work. If you violate those principles, there are bad results. But if you keep to the principles, you do pretty well.

Unfortunately, over the last number of years, and with both Republican and Democrat sometimes at the helm, we have violated some basic principles, and now we are starting to see the fruit of that in a high level of unemployment.

Now, I have here a little cartoon. This is the President, and he is wanting to know, how come you are not hiring people? You have coming into the china shop, triple bulls here, the health care reform and the cap-and-trade or cap-and-tax bill, and the war tax. And this poor guy that has got the china shop is looking a little bit worried. This is a nice cartoon.

But the point of the matter is that there are things that we can do which are going to make it very hard to create jobs. Now if you were to try to categorize those things, and I have had a chance to go to my district in the St. Louis and St. Charles area in Missouri and talk to many small businessmen, medium-size businessmen, but people from across the Nation too up here in Washington D.C., and if you ask them this question, people who are in the business world, what are the ways that you can make sure you are going to kill jobs?

Maybe this is a reverse way of looking at it. I apologize for that, but there is a reason for why I am approaching it this way.

□ 1850

One of the things to do if you want to make sure that there's not going to be jobs for people, well, I think about the first thing usually, and I don't know that these are necessarily exactly in the right order, but certainly this first one is the one that comes to the mind of most people if you ask them, ''What are you going to do if you want to kill jobs?'' and the first thing they think of is excessive taxation.

Now, that might seem kind of theoretical, but it really shouldn't be any surprise to us. If you picture yourself with a lemonade stand or making some other kind of product and you figure out how much it costs you to buy your raw materials—you have, maybe it's a lemonade machine, so you have to put the lemons in it. You have sugar that you have to buy. You have to have some good water. You have to have an ice maker. So you put that all together and figure out what it's going to cost you to make some lemonade, and you look at the cost of the ingredients. People come and buy. It's a hot day, and so they are buying the lemonade you're making. There's a difference between what it costs you and what you can sell it for, and you make a profit. And that is basically the lemonade stand idea. It's not complicated.

But if the government comes along and taxes every glass of lemonade that goes out, it makes it a little harder to try and make a living. What happens if the government raises the tax too much on your lemonade? Well, nobody will buy it, and now you're out of business.

So this isn't a very complicated idea, that if you do too much taxation on a business, either the business sort of hibernates and tries to weather the storm, or they actually just plain go out of business and you kill the potential for creating any new jobs as well as getting rid of old ones. So excessive taxation is usually at the top of a lot of businesspeople's things if you want to kill jobs.

Another one, and this sounds like a big thing, insufficient liquidity. What that is saying is that businessmen need to borrow money at various times, and they have to get the loans from banks. And if the bank policy is such that the businessman has trouble getting a loan, then it makes it harder for him or her to expand the business.

In the current conditions, what we're dealing with, you find that a lot of Federal regulators are all over the banks and telling the banks to be very, very careful about any loans they make, and they have to have a tremendous amount of security to make sure that they can even have that loan on their books. And so depending particularly on Federal regulations toward banks, the liquidity is a big deal in our time right now. That liquidity is very tight.

The subject of our talk tonight is taxation. What should we do about the largest tax increase in history that's coming down the pike the beginning of next year? That's the question. But I want to put it in the context of jobs, because tax increases may sound theoretical. But having a place to work, being able to pay your mortgage and being able to put food on the table for your kids are very real things for Americans. The stress of being a good citizen, wanting to take care of your family and not being able to do that just puts a horrible stress on families and on Americans all over. And it's not the right thing, and it's because we in Congress have not done the right things.

So these are some job killers: excessive taxation, liquidity, and the economic uncertainty. That might not seem to people, right off the bat, is that really such a big deal? Well, it really is. If you own a business, every day, every week, every year you're in business, there are two degrees of gamble. You are gambling that you can keep your cost of making a product lower than what you can sell it for. But what happens if you're not quite sure what's going on with the economy? You're not quite sure about what's going on with the economy. You're not sure whether anybody wants to buy your product at all next month, and you have a whole lot of costs coming along. How do you figure that out?

Well, each businessman has to live in that area of taking risks. But you're not going to take many risks if it seems like every time you turn around there's something you weren't expecting that's coming and whacking you upside the head, something that's affecting your business and making it harder for you to operate. And so if there's uncertainty, that's one of the things that's going to guarantee that a business owner is going to hunker down and wait for better times. So economic uncertainty is a very big factor in employment or unemployment.

The other one here is, I guess, pretty self-evident, and that is government red tape and government mandates. Obviously, you have a lemonade stand and you've got your equipment and understand what the taxes are going to be, but all of a sudden somebody comes up and says, Are those glasses you're using clean enough? Have they been government certified? And you say, Well, we put them in a dishwasher.

That's not good enough. You have to turn in this, this, and this report. And, by the way, have you done this? Have you done that?

And all of these things may not affect your product at all, but it sure affects the cost of doing business, because you have to hire an accountant to keep up with all the red tape that the government lays on you. And so red tape, regulations and mandates is particularly difficult for small businesses because they don't have lots of employees, so they can just designate one person to cover it. It takes a whole lot of the owner of the business' time.

So all of these things are job killers. And, unfortunately—I have left one off the list—unfortunately, in every one of these areas, the last number of years we have been doing exactly these things. We've been killing jobs. We've been doing all of these things in spades. The last one is excessive government spending.

You put that package of five together, and I don't care what the chairman of the Fed does or what people want to say about the razzmatazz of Wall Street. The facts of the matter are, you do these five things and you do them aggressively and you will see jobs being scarce and actually going away.

Currently, supposedly, the unemployment rate is 10 percent. Is it really 10 percent? No. It's worse than that because, if you haven't had a job for a certain number of months, they just take you off the list. They say, Oh, you don't count anymore. But there are a lot of people who haven't had a job in a long time. They're not considered unemployed, and so they are not considered part of that 10 percent unemployment number. So the real number is even higher than what the government publishes.

All of those things, though, are largely the result of policies made by Congress, made by our President, that are job killers. And we have to turn this around if we really want to see the economy turn back and return to some version of normal and for the American Dream to work.

Now, obviously, in the political world there are different theories about what you should do in government and what would work, and during the days of FDR there was a theory that became quite popular. It was proposed by Little Lord Keynes, but also another person who was very much involved in that was Henry Morgenthau. And the theory was that if the economy were not doing well, if the government would just spend a whole lot of money, the money that the government spends would buy stuff, get people buying things and get the economy going, and therefore, by the government spending money, you could solve the problem of a recession. It was sort of the siren call to people in politics because it sounded like a good deal. You just take and spend a whole lot of money, which makes you popular because you get to spend money on all kinds of pet projects, and presto zingo, the economy is going to turn around and you're going to do better. That was the theory.

The problem is that the theory never worked. It never did work, and it's never going to work in the future because it defies the basic laws of economics.

Now, in my State, we talk a little about common sense. And the people in Missouri I don't think would buy this theory that the way to get out of economic trouble is to spend a whole lot of money. In fact, I think they would look at it a little bit like you grab your bootstraps and lift up and try and fly around the room. If you were the head of a family and you came home to your family and said one night, ''Hey, we have all kinds of credit card bills. We've overspent the budget and things are not looking good. I don't have a job anymore. What are we going to do for the family budget?'' and somebody proposes, ''Well, hey, let's go spend a whole lot of money,'' people would think you were nuts. They'd probably put you in a funny little white jacket there if you did that.

Well, this is what Henry Morgenthau, who was FDR's Treasury Secretary, did. And so they tried this little scheme. And then at the end of about 8 or 9 years, before the Ways and Means Committee, this was as late as 1939, Henry Morgenthau said, We have tried spending money. We're spending more than we've ever spent before, and it does not work.

Now, we just passed that supposed stimulus bill, and we were told it was going to work. We knew it wasn't going to work because we knew Henry Morgenthau knew it wouldn't work. It's never worked in the past. But we had to try it again. And we tried that last year. And guess what? It just does not work. And then he says, They say after 8 years of the administration, we have just as much unemployment as when we started and an enormous debt to boot.

What they had also done, which he does not mention, they had taxed businesses to the point that the businesses closed. And it takes time to open a new business, start a new business and get it going. So we were able to turn a recession into the Great Depression.

We should learn from the people that went before us. And particularly, I believe the Democrats should pay attention to this Democrat Secretary of the Treasury that worked for FDR, because he told us in 1939 it would not work.

□ 1900

And what are we doing, we are spending money at the Federal level at a rate unlike anything we have seen before. The budget this year is about the same in terms of deficit as last year. People said of President Bush that he spent too much money. Well, perhaps he did. When he was President and Speaker PELOSI was Speaker, he had his worst year of spending, about $450 billion of deficit. That is not good. But

the deficit in 2009 was $1.3 trillion, and it looks like it is very close to $1.3 trillion for 2010. That is three times worse than the Bush years. We should be learning, it just does not work. We can't continue to spend money and think that we are going to deal with the problems of unemployment. In fact, we are making it worse.

Now, one of the things that the Bush administration did that was smart and that was right, they learned from previous Presidents. They learned that when you are in a recession that what you need to do is get off of taxation. You want to reduce taxation. They learned that not only from Ronald Reagan; they learned it from JFK. JFK, of course, was a Democrat. I wish the Democrats learned from JFK. He understood, cut taxes when you have a recession going on.

We had a recession when I first came to Congress in 2001. It started in 2000; 2001–2002, the economy was not good. President Bush understood that you needed to cut taxes. He told people that, and we were able to cut taxes. And so in 2003 particularly we cut three taxes that were very, very important. We are going to take a look at the result of that in just a minute. He understood that.

When we cut the taxes, what happened was the economy sprung around, and we had a number of good years in the economy until we turned back around and started getting into more taxes again. The taxes that we cut, those tax cuts are going to expire next year. A lot of people are talking about what are we going to do with this huge tax increase that is coming on top of us at the beginning of next year. Are we going to make the Bush tax cuts permanent? Are we going to extend the Bush tax cuts, or are we going to talk about it and do nothing? What is going to happen here?

Well, ordinary income, these are the top rate increases, moves from 35 percent to almost 40 percent. Capital gains goes from 15 to 20. Qualified dividends, 15 to almost 40 percent. And particularly the death tax, probably one of the most insidious, one of the most unfair and one of the most ridiculous of our taxes goes from zero percent to 55 percent. That is a killer of a lot of small businesses that have not protected themselves against these tax increases that are coming up. There are some other different ancillary tax increases that will be coming. The bottom line is the biggest tax increase in the history of the country. And when is it coming, when the economy is weak, when unemployment is high. This is a formula for disaster. We are going to talk about why that is so bad and why we must do something, and the thing we have to do is to make those Bush tax cuts permanent unless we want an even worse level of unemployment.

I am joined by my good friend, Congressman SCALISE, and I would yield.

Mr. SCALISE. I thank my friend from Missouri for hosting this hour and for focusing on this important issue. At a time when we are just weeks away from facing what would be the largest tax increase in the history of our country, we have been pushing to make the current tax rates permanent, to prevent, to stave off what would be that large, massive, job killing tax increase that is pending on January 1 if no action is taken. Unfortunately, the liberal leadership that is running this Congress right now will not address this issue in a proper way that ends that uncertainty.

You know, when you look out there throughout the country, when we talk to small businesses in our districts and all throughout the country, so many companies would like to hire, would like to make investment, even in these tough economic times; but because of the uncertainty created by the threat of these massive tax increases, it is holding back the economy. It is holding back the ability for these companies to make that investment and to create those good jobs. It is so unfortunate because we are at a point where there should be, and there is, I think, bipartisan agreement that, especially now in tough economic times, you shouldn't raise taxes on anybody, especially those small business owners who create the bulk of our jobs in this country, and yet that is exactly what they are facing and it is exactly what we are hearing from the people who say that they can't make decisions, they can't make those investments because they are looking out and they are seeing if Congress takes no action, or tries to play class warfare, which would be even worse, to try and pick winners and losers and say some people are going to see a tax increase and some aren't, what a bad message that sends to those people who are trying to get the economy back on track.

What is so sad about all of this is that history tells us, history tells us, whether you go back to John F. Kennedy, Ronald Reagan, you can go to President Bush, when taxes were cut, especially when you did aggressive tax cuts, not only did you see job growth, but you also saw a tremendous amount of money, billions of dollars more coming into the Federal Government, which goes against this myth that is out there, the President and others say, we can't afford to cut taxes.

Well, I think we can't afford not to keep the current tax rates. We surely can't afford to have a tax increase; but history tells us, any administration you look at, you can go to 1920, you can go to the sixties, the eighties, and 2003, when taxes are cut, job creation follows and more money follows and flows into the Federal Government. The reason we get deficits is because Congresses, both Republican and Democrat, have spent too much money. The deficits come because we spend too much money.

So the formula that has always been proven to be successful and the formula we should be following right now is cut taxes, make sure nobody's taxes go up and control spending at the same time. That way you not only stop getting more deficit spending, but you can actually get on a path to balancing the Federal Government budget, which is what we really need to do.

Mr. AKIN. I am delighted you made those points. And I have some charts here that have been kicking around my office for 4 or 5 years on the very points you are making because you are so absolutely correct. It seems to me that somehow President Obama and the other leadership here in Congress have forgotten some amazingly simple things, but we make life too complicated sometimes.

One thing is the American Dream was not to make rich people poor. The American Dream was about making people who didn't have much money to be richer. Sometimes richer economically, sometimes because they come here without a high school education and watch their kids pick up a college diploma. There are a lot of ways that American Dream works, but it was never to tear people down. It was always to build people up. That seems like kind of a basic idea, but it seems like the focus is we are so worried about somebody being rich that we are willing to melt the economy down just to try to get them. And the funny thing is that people who are very rich have ways of hiding their money, and all you do is hurt a lot of innocent people.

The other thing that seems so simple to me is if you are really honestly worried about unemployment and jobs, it seems like the obvious thing is jobs come from employers. And if you destroy employers, how are you going to have jobs? That is not a complicated formula. In Missouri we would say that is kind of a no-brainer; and yet somehow here in Washington, D.C. we make it too complicated. We have a tremendous level of Federal spending, bury people in red tape, mess with their liquidity, create uncertainty in the markets, spend money like mad, and tax all of these businesses, create uncertainty, and then wonder why there aren't any jobs. It doesn't seem like it is that complicated an issue.

Getting back to what you said, my good friend, right here, and this is May 2003, there were a series of tax cuts that happened right here in May 2003. The tax cuts was capital gains, dividends, and the death tax. Those are not really popular taxes. When the Republicans passed them, we were criticized, you are trying to do special deals for rich people and blah, blah, blah. The question is when we cut these taxes, the liberals were saying you've spend all of this money because if you cut the taxes, you won't get this revenue that comes in.

□ 1910

And that was their reasoning because their mindset is the government owns everything and we're going to let the people who work keep a little bit of it.

Well, we did this tax cut, even though it wasn't popular, in May of 2003, and this talks about job creation. I started on the subject of jobs. This is the job creation before and after taxes, and anything that's going down means we lost jobs. Any line that goes up says we gained jobs. Well, here's the tax cut here, and look at this. Look at this graph of the job creation. Now, that says that something is going on at this point. Now, why would that be the tax cut made jobs? Well, simply because you let the businessman keep more of what he owns. So, in terms of job creation, these taxes had a very beneficial effect.

What happens if we reverse this? What happens if we go from here? Now, right here, we have a lot of unemployment. What happens in a time of unemployment if we reverse this effect? What we're going to do is it's going to be the same process but backwards. We're going to take jobs that existed and destroy them. Are we in a position with 10 percent or more unemployment to turn around and destroy more jobs? That seems like a definition of an insanity.

And these are month by month, year by year. This is what happens after this tax cut and this is the job effect, and I will allow you to comment on it if you want. I've also got two other kinds of interesting charts here, not just jobs but gross domestic product, and your last point, which was government revenues, quite interestingly. I yield.

Mr. SCALISE. I thank the gentleman again for yielding.

The chart that you just showed really lays out in a very good graphical form what really does happen when you cut taxes, and unfortunately you don't hear this on the mainstream media. It's something that a lot of the pundits try to ignore. It's unfortunately something that the President I think has tried to cloud over and, in fact, speaks in contradiction to what really did happen when taxes were cut. You know, and the President is going around saying that he can't afford to keep the tax rates where they are and he needs to raise taxes on certain people, otherwise the government will lose money.

The problem with that is, it flies in the face of history. It flies in the face of facts; and in fact, your chart shows just what really did happen when taxes were cut for 48 consecutive months after those 2003 tax cuts. For 48 consecutive months our country had job growth. Every single month for 48 months, more American people were working than the month before, and during that same period of time of unprecedented job growth, 8 million new jobs were created, and your chart shows it very clearly. Not only were those 8 million jobs created, but the Federal Government took in over $750 billion more money.

Of course when I say that, somebody listening might say, well, hold on a second, the President just said, if you cut taxes, it costs money. If you maintain these current rates, rather than raising taxes, you have got to raise the taxes because it's going to cost the Federal Government money. The opposite happened, anytime in history, not just in 2003.

As I said in the 1980s when taxes were cut under President Reagan, tremendous job growth and tremendous growth in revenue to the Federal Government. Now, yes, we had deficits, because even though the Federal Government was taking in more money, they still spent even more money than all of that coming in, which gave you a deficit. But if they'd controlled spending, if they would have just frozen levels and had normal cost of living increases, just normal growth, you would have actually had surpluses because more money was coming into the Federal Government, and the same thing happened in the 1960s when President Kennedy cut taxes.

So this isn't a partisan issue, but this is history. Let's follow history. Instead of people making things up and saying things that are just flat out untrue, if we go back and use history as our guide, when we cut taxes in this country, job creators go out and create jobs, and the facts prove it.

I used the President's own Web site when I pulled the numbers to find out what really happened in terms of job growth which we confirmed on the President's own Web site and in terms of more money coming into the Federal Government. So when they say that they can't afford to keep the current tax rates the way they are, they think they need to raise taxes in order to bring in more money, just the opposite is true.

Mr. AKIN. They're exactly wrong. They've got it upside down, just as they have it upside down the American Dream is to make people that are poorer richer, not richer people make them poorer. They've got it exactly reversed.

If you want jobs, you don't have an employer. It's kind of a basic thing. I very much appreciate your perspective; and what you're saying is, absolutely, you can prove it by taking a look at the economics.

But when I first heard that, I was kind of scratching my head. I'm not a wizard at economics but I'm an engineer, and I was trying to say, now, wait a minute, you're telling me that if the Federal Government reduces taxes, they're going to take in more money? That sounds like making water run uphill, you know. And so I started to think about it, and actually it makes a whole lot of sense.

But here's the way it seems to work to me. Let's say that Congressman SCALISE is king for the year, and your job is to raise revenue for your government and the only thing you can do is tax bread. And so you start rolling this around in your mind, and you say I could put a penny tax on a loaf of bread, or I could put $10 on a loaf of bread. You think, a penny, nobody'd notice it, but I'd have to sell a lot of bread in order to make very much money; but if I did $10 a loaf, wow, wouldn't take too many loaves. I'd get a lot of money. Well, on the other hand, nobody would buy the bread. So your common sense says probably somewhere between $10 tax on a loaf of bread and a penny tax, there's some number that's an optimum; and if you raised it, you get less government revenue, and if you lowered it, you get less government revenue.

And what this effect is showing is that we're overtaxing; and by overtaxing, we're actually losing Federal revenue. So what you're saying is exactly right. It's been proven by history. We cannot afford to not cut the taxes. Certainly we cannot afford to allow a massive tax increase when the economy is on its knees and unemployment is running at 10 percent.

Let's take a look at what the numbers were. I think people might be curious about this. Here we've got job creation. Here's the tax. This is capital gains, dividends, death tax. That's what the tax cuts were. This is what happened to job creation. Let's take a look at another number here.

Let's look at the gross domestic product of our country. This is kind of a neck snapper of a chart, it seems like to me. If you can get into these funny economic charts, this, though, is a reflection of what our future could or could not be. This was the gross domestic product here before the tax cut. Here, again, is the tax cut right here, and take a look at the national GDP, even have a couple of times when we're actually losing GDP in a couple of months when the recession is bad, 2001. You see it coming up a little bit up here to sort of a sluggish two, but you see it's spotty; it's up and down.

And then we put these tax cuts in place. Not only did employment change but take a look at gross domestic product. Kabaam. You know, we're talking, we had one quarter where we had 7.5 percent GDP growth. That's a pretty decent level, but you can see quite an improvement after this tax cut went into place.

Now, as you would expect if you got GDP going along the right direction, employment going the right direction, here's the other thing, and this was your point. My respected colleague, take a look at Federal revenues. If the example of the loaf of bread and the tax line up seems a little bit odd, here's the evidence. Here's the tax cut. This is Federal revenues. Federal revenues are tanking because the economy is in trouble.

We do the tax cuts in 2003, just as we did with JFK, with Ronald Reagan. All of a sudden, you see Federal revenues coming up. Now, this is totally opposite to everything the President and the liberals are saying. They cannot explain this. This completely puts the lie to what they're saying.

If you do not cut the taxes, what's going to happen is we're going to continue in this death spiral that we've

created, and we've created it out of stupidity because the facts are here. After that tax cut, four straight years of increases in Federal revenue, and so there you have the effect.

We are overtaxing. We have stalled the economy. It's a little bit like you're in that little World War I, World War II biplane, whatever it is, and you're in that spiral headed to the ground and you grab the stick and you pull the stick up and you pull the stick up and the plane just keeps spiraling and the ground gets bigger and bigger as you're losing altitude; and you pull the stick up and you say, oh, my goodness, everybody has gotten in a graveyard spiral and almost died and then one guy came along and said I'm going to do something that's a little counter-intuitive.

□ 1920

What I'm going to do is I'm going to push the stick forward. It's going to allow the plane to stabilize even though it's going down, and when it gets stable, then I'll pull the stick back up.

In a way, that's what we did. We have got the economy in a spiral where we are taxing people and where we are red-taping them to death. Liquidity is a problem; there is uncertainty, and we are spending money like a bunch of fools. What we are going to have to do is use some sense from the past, from the people who came before us.

I would be happy to yield to my good friend from Louisiana.

Mr. SCALISE. You know, when you look at these charts, all it really is, you know, is a reflection of what really happened historically. They say, If you don't learn from the mistakes of history, you are doomed to repeat them. You can flip that around and say, Go look at what has always been proven to work. There are things that have been good and bad throughout history. You can go into the 2000's and look at 2003 when taxes were cut. There were some good things and some bad things that came out of that.

The good thing was, when the taxes were cut in 2003, you had, as your chart shows very clearly, a tremendous increase in Federal revenue, and you had a tremendous increase in job creation. Eight million jobs were created. The bad thing that happened was that you had deficits, but it wasn't because of the tax cuts. It was because more money came into the Federal Government, but Congress spent even more than that. When Congress spends more money than that which comes in, you end up with a deficit.

You can control that not by raising taxes, because if you raise taxes—again, use history as a guide. When taxes are increased, one of two things happens. In some cases, you'll get a flat line—you'll get a flat revenue intake—but in many cases, you'll actually get a decrease. Even though you're raising taxes—and it might seem intuitive to some liberals—what happens is it's the cost of doing business. If a company is looking to hire people and now it costs more money in America to create that job or to manufacture that product, then it explains why so many of our manufacturing jobs have been leaving this country and going to other countries.

The tax increase that President Obama is creating might be good for economies, but it's good for foreign economies because it's pushing more and more investment out of this country. So the jobs that will be created will be created in countries like India and China and other places where they don't punish somebody for manufacturing. In our country, unfortunately, there is this mentality, and there are some in this leadership who continue to try to play this class warfare game and pit one American against another.

What we ought to be doing here in Congress and at the White House is working together to put policies in place that will help everybody, that will not just help the job creators but will help the people who are struggling at the bottom, the people who want to find jobs. There are millions of Americans out there who want to find jobs.

You know, in my State of Louisiana, we are seeing the negative repercussions of these policies coming from President Obama: how it's costing us jobs with this permitorium, as we call it now, on drilling, and how the President bragged about lifting the moratorium on drilling but now has replaced it with a policy where they're just not issuing permits.

Then today, just today, the President and Secretary of the Interior came out and said they were going to shut off more areas around the country that were getting ready to be opened for the exploration of energy. They're shutting those off. So now they're not issuing permits in the Gulf of Mexico, which, according to the White House, has already led to about 12,000 more Americans losing their jobs. This is not because of a downturn in the economy. Because of the policies of President Obama, 12,000 more people have lost their jobs, and billions of dollars have left the Federal Government and are going to foreign countries. Our energy security in our country has decreased, and we are now more dependent on foreign oil because of the policies of this President.

So, on one hand, he is trying to raise taxes on our small businesses, which, as your chart shows, is going to devastate the economy and is not going to bring in more money to the Federal Government. On the other hand, he has got policies, like the permitorium and the lack of open areas for the exploration of drilling for natural resources, which are taking away what would have been thousands of more new jobs, and now he is shipping those jobs to other countries, like Brazil and Egypt, which is where some of these rigs are going.

You know, it's sad to think, but it's true. It's a sad day in America when it's a better business climate to do business in Egypt, which is where some of these rigs are going, than in the United States of America because of the President's own policies. This is reality. This is what is really happening, and that's why we have got the job creation problems. That's why we have got the lack of jobs we have today. It is because of the policies of this administration.

Mr. AKIN. You know, you're giving a very concrete example, and maybe I was being too general.

My point was, if you punish the business, you shouldn't be surprised if there are no jobs there. The business is the one that hires people. It's not that complicated. There is a direct connection between employer and employee. What you have just given an example of is: When you shut the company down, then you can't say, ''Well, I'm so surprised that there is unemployment.'' You created the unemployment by the policy. It's crazy. It's really crazy.

I understand that the President did support some drilling, but it was off of a foreign coast, and it was with American tax dollars. We are encouraging them to drill, but we can't drill on any of the American sites. That just doesn't make any sense. I think that's what the voters were concerned with in this last election. I think they are concerned with that. They see that there are ways that we should be going as a country, things that we can learn from history, and if there is one thing we should be dealing with immediately, right now, it's making those Bush tax cuts permanent because the economics of that thing works both ways.

If you cut the taxes, you saw what happened to the gross domestic product. It goes up. Unemployment goes down. If we create jobs, we create more revenue for the government. If you do the opposite, then the result is going to be the opposite. You're going to have more unemployment. You're going to have less revenue, and you're putting us farther into this downward spiral. Our country can't take a whole lot more hits like that, especially with the incredibly aggressive spending schedule.

I don't recall specifically, gentleman, whether you were there with Dr. Laffer today as he was visiting us.

Mr. SCALISE. Yes, I was.

Mr. AKIN. He has some very simple and easy-to-understand ways even though he's one of these Ph.D.-type economists and all.

In fact, what we're talking about here was named after him, the ''Laffer curve,'' showing that when you cut taxes—and he has proven that—that you're going to actually get more Federal revenue—if you do the right kind of taxes, that is. What he was saying today sort of captured my attention.

He said, Look at it from a simple point of view. If you're a business, are you going to hire somebody?

Well, what you're going to say if you're a businessman is, ''It's going to

cost me this much money to hire this guy, and if I do hire him, he is going to make this much.''

So you take a look at that. If he is going to make more for you than what it costs you to employ him, then you're going to hire him because that's the way businesses work. You hire people in order to make a profit, to make your business grow.

Now, what happens in this equation if the Federal Government says to the businessman, ''Okay. Now, before you hire that guy, just remember this, that we're going to tax you. We're going to put these additional costs into what you're going to have to pay if you hire this guy''?

Well, you don't have to be a rocket scientist to say, Oh, my goodness. If the government starts adding things that the businessman has to pay, it's going to make it harder and harder for him to find the economic ease to hire somebody.

That's another way of saying what we have done by these policies is we have essentially driven that unemployment number. We have actually created that by the foolish policies down here, by forgetting the simple fact that, if you destroy an employer, then you're not going to have employees.

The simple fact is that America wasn't based on class warfare, on uncovetousness, saying, ''Don't you hate that rich guy? Look at how much fun he's having. Are you having as much fun as that rich guy?'' That wasn't what made America great. What made America great is we're all on the same team, that everybody wants to see everybody else prosper, everybody working together, being honest with each other, each following the dream that God put in their own hearts. That's the America that our Founders built. That's the America that most Americans want to see us returning to. They want to see a win-win scenario, and they want to see us do the policies that are right here. We know we don't create any jobs here in Washington, D.C. Any time we create a government job, it takes two jobs out of the economy. We don't create jobs, but we do affect the playing field that jobs are on.

Why do we want to send our jobs to foreign countries? I can't see why we should be doing that.

Mr. SCALISE. You know, the gentleman referred to the meeting that we were both at today with Art Laffer, the brilliant economist who worked for President Reagan in the White House, who helped create a lot of those tax policies that gave us that unbridled economic growth. He goes into detail and talks about the decisions that went into that and what works and what doesn't work.

□ 1930

And there are things that don't work, but there are things that have been proven again historically throughout time.

Going back to the 1920s, you can go before that, things that you can do that have always worked in terms of cutting tax rates. And there are levels where you get above certain levels, and in the 20s is where you are starting to get into dangerous territory. Right now the President is trying to bring the highest rate up to 39.6 percent taxes, plus he's going to try to continue to allow this death tax to go to 55 percent. It's at zero today. If someone were to die today and have a family business that they built up over their lifetime, they could pass that onto their family, and there is a zero percent tax on their passing away, a tragic event that shouldn't be made even more tragic by government coming in and confiscating 55 percent of their business to the point where the children's decision, more of their grief is dealing not with the loss of their loved one but now the fact that they have to dismantle the company that their father built for his entire lifetime just to pay the taxes to the Federal Government. And that will happen. Starting January 1, that death tax goes up to 55 percent. It's one of the most onerous, obnoxious, and evil taxes, because you're talking about people who have already paid taxes to create that wealth.

I think one of the other things Art Laffer talked about today is if that person, instead of building up that company, creating that wealth and creating all those jobs that went along with it, if he would have just gone out and blown the money, he wouldn't have been taxed on that. There's no tax on just going out and spending the money and blowing it. But if he built his business and created hundreds of jobs and then wanted to pass that on to his children, the government is going to come in—starting January 1 if Congress doesn't take action—and tax that business 55 percent just by the virtue that that business owner passed away, to the point where now the family has to sell and dismantle the entire business and maybe have to lay off all those employees just to pay the taxes. That's not what America is all about, that's not what made America great, and yet that is tax policy that President Obama wants to put in place starting January 1.

Mr. AKIN. You know, the thing that was amazing, the way he explained it was really a contrast. You have a person, and say he's a couple of years away from dying and he has this business and this business is worth millions of dollars. Now there are two courses he can take. The first is he goes and drinks like mad, does drugs, chases women, gambles it all away, and in every way wastes the money. Does he pay any tax on it? He has already paid the taxes. No. So the government lets him off scot-free for that. So we encourage that behavior. But what happens if he says, hey, I have a son, I would like to pass the business on to my son. And he has some employees and they want to buy part of the business, so I'm going to not squander my money, but I'm going to save it. So he waits 5 years, saves his money, dies, and now what do we do? We tax the family 55 percent.

Now how many people have a business—picture if it's a farm or a manufacturing business—where you've got to take more than half of it, liquidate it to sell it in order to pay the tax on it. It's going to destroy the business. And so we have a policy that rewards people for being totally irresponsible and punishes people for doing the right thing. As Dr. Laffer said, that's just so contrary to common sense.

And what are we going to do? We're going to let that death tax go from zero to 55 percent. That is just nuts. And what it's going to do of course is, guess what? It's going to destroy jobs, it's going to reduce Federal revenues, and it's going to hurt the GDP. And yet here we go because we figure we've taxed them every which way, but we haven't gotten them one last clip when they die. And why we would even have a death tax, it just seems so abhorrent that we would possibly let that go on.

Mr. SCALISE. It is such a sad state of affairs that in the greatest country in the history of the world—and you and I both know we've got really serious challenges, we've got real big problems in this country that we're facing, but with all of those problems this is still the greatest country in the history of the world. But what that light of freedom, the Statue of Freedom at the roof of this building right here, the Capitol dome, what that statue stands for, and when you pass through Ellis Island and you see the Statue of Liberty, it represents a freedom that exists nowhere else in the world. All of that is at risk if these kinds of policies continue. I know that's a dramatic statement, but I think most people across the country have recognized that when you take into account the radical level of spending, the unsustainable level of spending going on here in Washington—trillion-dollar-plus deficits as far as the eye can see, the first trillion-dollar deficit in the history of our country was last year, only surpassed now by this year's, and next year looks to be just the same—everybody knows we can't sustain this level of spending. And then you look, and the President and Speaker PELOSI's plan for taxes is to raise taxes on American families and small businesses. And the American people get it. They know what that means to job creation. They know it's going to stifle job creation. It's going to make it harder for businesses to compete globally. And for many of them, it's going to make it harder for them to even keep their doors open. And yet those are policies that are continuing to be put in place by this administration.

But people know, I think—what's more than all of that, to a small business, if they don't make as much money as they did last year—you want

everybody to be able to be profitable so that they can continue to create jobs. But I think to most people what is the most concerning is not maybe this year they're making less than last year, that's bad, but what I think is concerning most people is that the one great tradition of this country, from the day George Washington took that oath of office until this day today, every generation has had better opportunity than the one that came before them. Every single generation in the history of our country has had better opportunity than the one that came before them. And I think we all know if we stay on this unsustainable path of spending and taxing, with unemployment like it is, the next generation is not going to have that same opportunity, and we cannot let that happen. I don't think the American people are going to let that happen. And I think that's why in November, in that historic election that was just held a few weeks ago, people said they're not sitting on the sidelines anymore because they know what's at stake. They know we can't keep going down this road. And if we want to keep the light lit on that Statue of Freedom, if we want to make sure that the promise that's envisioned and represented in the Statue of Liberty, if we want to keep that torch lit for the next generation, we have to make serious changes right now starting today.

Mr. AKIN. I think you're absolutely right. I think that's what the American public is seeing and sensing. I might put it in slightly different words, and maybe just because I'm a little older than you are, but my sense is we had a tradition that the government was to be the servant of the people. It seems to many of us as though that has started to tilt, and the government is now a fearful master. I think the public is saying we have had way too much government, we're taking a look. The problem isn't the outside, the problem is the government, and the government has to be reduced back to its servant status, back to the basic principles of economics, back to honoring the traditions of our Founders and the dream of allowing people to use their imagination and their ingenuity, and to succeed or to fail. If we didn't let Thomas Edison fail hundreds and hundreds of times, we wouldn't have any lightbulbs. You have to allow freedom to work. I think that's where we have to go as a country; we have to go back to the traditional paths that have always worked for us.

We are a very unique Nation in so many different ways. People around the world, when there's an earthquake or when there's a problem, the Americans are there. After World War II, we defeated our enemies and we taxed ourselves to rebuild our enemies. We established no empires. We built no kingdoms. We are absolutely unique in the history of mankind, and it's because we have high standards, high traditions, and we believe in freedom and the American way. This is the way to turn things around.

My good friend, Congressman SCALISE, I thank you so much for joining us tonight. I know our time is starting to get a little bit short here.

I would once again encourage Americans—we know the solution to move forward, but we are not going to be moving forward if we allow the largest tax increase in the history of our country to settle in on January 1. It will have the same negative effect as its positive effect when it first went into place. We do not want that. We have to keep those tax cuts in place, and we have to make that decision and move forward for the good of all of America.

Mr. Speaker, thank you so much.

□ 1940

MODERN DAY SLAVERY REPARATIONS

The SPEAKER pro tempore (Ms. TITUS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, it's my privilege to be recognized here on the floor of the House of Representatives in this great deliberative body that we are. And it is a blessing and a gift to the American people that we can have our debates and our discourse that rages back and forth here on the floor of the House. And sometimes we're not so polite to each other. I regret that. But the passions arise here rather than have them arise in the streets of America.

So in a way, we take a lid off the pressure cooker here in the House. And we vent these issues, and we find a way to at least sort out the policy that can be accepted or accommodated by the other side. And often we're able to come to a good product that's good and right for the American people.

Madam Speaker, I come to you tonight with a number of things on my mind and the primary issue that concerns me is what took place here in the House yesterday with the debate on the rule and on the bill and subsequently the vote spent another $4.6 billion, unbudgeted, unauthorized, unacceptable—and not just 41 cents out of every dollar borrowed, a lot of it from the Chinese and the Saudis—but all of this money, all of this unbudgeted funding is a hundred percent borrowed money because it goes above that level. It was unnecessary money to be spent. So every bit of it was borrowed money.

And by a vote of 256–152, this lame duck Congress, this invalidated Congress, this reputed Congress, this rejected Congress, has gone down the path over and over again of spending money that we don't have for causes that don't have the support of the American people spent by a Congress that's no longer the valid representatives of the people. That's why it's called a lame duck. We should have shot this lame duck a long time ago. It still limps along and it still flares up, and it still steps in and goes against the will of the American people.

Now, I would submit, Madam Speaker, if this Congress had reflected the will of the American people, the gavels would not be changing hands come January 4 of 2011. They'd stay essentially in the same hands with a smaller switch in seats.

But we can see this happen over the last 4 years as the San Francisco agenda began to manifest itself here on the floor of the House of Representatives. And it didn't really get enough traction that the American people really understood what was going on until such time as President Obama was elected and his agenda matched up so closely with that of the Speaker's agenda here—that San Francisco agenda—that the American people could see clearly. By the way, coupled with that of the gentleman from Nevada from down through across the rotunda on the Senate side, the three of them, HARRY REID, NANCY PELOSI and President Obama. I said this more than 2 years ago, 2½ years ago, If you elect this ruling troika, they will be able to go into a phone booth and do what they will to America, and they won't be accountable to anybody. And I should have said, Until the subsequent election.

Well, the American people did elect Barack Obama, and they sent NANCY PELOSI back here in a position to become the Speaker, which she was, and HARRY REID maintained his position as the majority leader in the United States Senate. And they did to the best of their extent what they could to America.

There's a whole list of things that aggrieve me and very much that must be undone. Some things that passed the House that didn't make it through the Senate were painful votes for some of the Members that will be going home. And I regret some of the friends that I have made on the other side of the aisle that I'm saying goodbye to this week and the next week and the next week. There are some good Americans that have served this country well that were voted out of office because of the anchor that was attached to them by the San Francisco agenda.

But there's this agenda, this agenda that I've called modern-day slavery reparations. And some think that might be a rhetorical stretch. But, Madam Speaker, I'll point out not only did JOHN CONYERS, as the chairman of the Judiciary Committee, hold impeachment hearings for President Bush and Vice President Cheney—he said they weren't impeachment hearings but they were, in fact, impeachment hearings, the basis of it I still don't know but I sat in on them—not only did he hold those, he held hearings on a whole number of things including hearings on slavery reparations.

And I made the argument that you cannot fix something that happened a

century and a half ago. You can't go back and put the blood back in people's veins when they've paid in blood to put an end to slavery. And you can't hold the generations, six and seven generations hence, responsible for the sins of the great great great great great great grandfathers.

And the chairman, Mr. CONYERS, a respectable individual whom I count as a friend and have always had a good personal relationship with, told me, That's why we're having these hearings to find out. You think we can't fix these problems by providing reparations, and we're holding hearings and we're going to see if we can figure it out.

Well, that's the mindset. I mean, if we're actually having a discussion about whether you can compensate people for labor that they did while they were slaves in the first half of the 19th century and earlier to those descendents, how do you sort out who's descended from slaves and who's not? They don't know how to answer that question. They just think somehow there should be a redistribution of wealth.

Well, this redistribution of wealth is something that also comes out of the mouth of our President. It was very clear when he made the statement to Joe the Plumber when he said, Share the wealth. And it's been very clear as he's played the class envy card time after time after time and divided Americans against each other for a whole series of reasons—and a lot of it that has to do with how much money each of us make, forgetting that it is the American Dream to become a millionaire, to pile another million on top of that, the second million is easier since the first. How long has it been since we've heard that? It might be harder than the first because this President wants to punish that first million and the second million and the third million. Hopefully, that gets resolved this week. We've reached a bit of an impasse on it. But the redistribution of wealth goes on.

The hard-core leftist agenda is still driven. The leaders and many of the Members of this lame duck 111th Congress, if they got the message, their message back to us is a spiteful message against the American people, which is, So you didn't like debt and deficit and you'd like to have jobs and a better growing economy. Well, on our way out the door—you've thrown a lot of us out of office—on our way out the door, we're going to give you a little more of what you didn't like. They're saying to the American people, Oh, you didn't like what we gave you in the 111th Congress or the 110th Congress, you didn't like what we gave you under President Obama. Well, if you didn't like it, here's some more. That's what's going on in this lame duck Congress.

If the American people don't like what's been served to them by NANCY PELOSI and President Obama and HARRY REID, they're saying, Madam Speaker, to the American people, here's some more.

Well, here's some more that came at us yesterday: the Pigford Farms issue tied together with the Cobell issue that has to do with how resources were managed for certain Native American tribes. And I'm not an expert on the Cobell issue. I have been drawn into the Pigford issue.

But, Madam Speaker, Pigford Farms is this: it is the largest class action suit in the history of the United States. And the single largest recipient of that, her name is Shirley Sherrod. You remember Shirley Sherrod. She's the lady that announced on July 22 of 2009 that she would be the largest recipient in the largest civil rights case in history, which turns out now to be $2.3 billion to compensate for discrimination—an amount that—I agree there was discrimination and I agree we should compensate people who were discriminated against. It's a very difficult task to quantify, however.

But Shirley Sherrod received the news of the award of $13 million to her and whoever the people she might decide to distribute it to. We don't have access to those records. These cases are apparently sealed.

On 22 July, 2009, Tom Vilsack, Secretary of Agriculture, hired her 25 July 2009. Because she's the largest civil rights recipient in the largest case in the history of America, and the case is Pigford versus Vilsack—the Secretary of Agriculture.

Timothy Pigford filed the suit and the class action lawsuit and so his name, the first plaintiff's name, is listed as the name of the suit versus the Secretary of Agriculture, which was Glickman, and it became then the successor Secretaries until it became Tom Vilsack. But it was Tom Vilsack that was named then in the suit as successor, Pigford v. Vilsack, and the largest recipient was Shirley Sherrod. And what does he do 3 days after the $13 million was announced that she would receive? Hires her.

I can't fathom hiring somebody who had sued me, who had pushed for a settlement that turns out to be $13 million. The next piece is, what do they need the job for, and why would I reward them with a job? What else was going on in the mind of the Secretary and Shirley Sherrod that he would put her on the payroll and make her the director of USDA rural development in the State of Georgia?

□ 1950

This all came to light because there was a YouTube clip of Shirley Sherrod's speech before the NAACP that in its edited version appeared to make some racist statements. And I saw the speech in the totality enough that I accept the overall message on what she learned from that. And so I am not taking issue with the totality of her speech. But she was fired apparently for the clip that was out. And the clip I think is a clip that was available to the Web site that posted it, what was available at the time.

But in any case, $13 million recipient in the largest civil rights case in the history hired by the people she sued 3 days after the settlement announcement came down. And that's just a piece of Pigford Farms. Pigford Farms has been dragging on for years. And what happened was Dan Glickman, then Secretary of Agriculture under Bill Clinton as President, stepped up and announced that they had discovered that there was discrimination taking place by U.S. Department of Agriculture employees against black farmers primarily in the South, because that's where they lived. And when that happened, it opened up the class action. The lawyers went to work and they produced what's now Pigford I, the first settlement consent decree.

It was approved by Judge Paul Friedman. I brought his opinion, Madam Speaker, with me to the floor tonight. And if those might think when I say this is a modern day version of slavery reparations, I would point out that in the case the first words in the opinion of Judge Paul Friedman are this: ''Forty acres and a mule.'' Forty acres and a mule.

Madam Speaker, he goes on to lament that he can't fix all of the wrongs that come out of slavery and the segregation in one civil rights suit. One can read between the lines that he is sorry that he can't fix it all. One can read between the lines that he may well be glad to hear a Pigford II proposal come before him so that he could ratify it once Congress has appropriated an additional $1.15 billion.

Here is what Judge Friedman wrote about the Pigford settlements, these $50,000 settlements that were paid out to black farmers for—they had to meet four criteria: had to be African American. They had to have farmed or wanted to farm. They had to have believed they were discriminated against. And they had to attest that they filed a complaint, that could have been verbal, to a USDA employee, a Member of Congress, a couple other categories. That's four criteria. Actually, the fifth one was then that someone, not a close family member, had to sign an affidavit that attested that they had not only believed they were discriminated against, but they had complained about it, not necessarily in writing, but it could have been verbally to any USDA employee under any circumstances. It didn't have to be a public meeting with witnesses.

It could have simply been walking down the street and you meet someone who might be the director of your county FSA, and you say, I don't think your people treated me right. I should have had a loan. That would be all it would take. If you didn't get the loan, you wouldn't even have had to apply. You just maybe had to think you weren't going to be treated right and failed to apply for the loan. That's enough. You don't have to prove discrimination. You just have to allege it

and get a friend to sign the affidavit. That's all that's required under Pigford I.

And then according to Judge Paul Friedman, he writes this: ''The consent decree accomplishes its purpose primarily through a two-track dispute resolution mechanism that provides those class members with little or no documentary evidence with,'' and I am quoting from this opinion, Madam Speaker, ''a virtually automatic cash payment of $50,000 and forgiveness of debt owed to the USDA.'' And anybody who believes that that's not enough, they can actually sue on their own and prove it by the preponderance of the evidence.

But there is no proof required to receive the $50,000 virtually automatic cash payment except to get a friend to sign the affidavit that says that you complained about it and you believed you were discriminated against. And then all it had to be was to allege that you were turned down for a loan or a farm program of some type or another.

Madam Speaker, $1.05 billion was distributed under no basis beyond that, no requirement or proof for discrimination. And a very, very low level of even asking them if they actually ever complained or filed a complaint. And no verification required that they ever farmed or ever applied for a USDA loan or program. You didn't have to farm. You just had to say I am black, I wanted to farm, and I believe they discriminated against me, and I complained about it, and I have got a friend that will sign the document. That's it, Madam Speaker.

And $1.05 billion was distributed on that basis. And virtually automatic payments, much of it debt forgiveness included. And if anyone actually was a farmer and actually did have debt with the USDA, all of their debt was forgiven also. And Judge Paul Friedman said a virtually automatic payment if you didn't want to go through track two and get a bigger check than the $50,000 and the debt forgiveness, which Judge Friedman calculates that the average settlement would be $187,500.

Now, we don't have an accounting from the USDA on how large the average settlements are. We don't have the spreadsheet of the 22,500 applicants that poured in after the direction of this opinion by Judge Friedman and the consent decree that accompanies it directed that there be town hall meetings across the South, that the attorneys on this case, in order to earn their contingency fees, needed to go out and promote this. And they needed to put newspaper ads in and radio ads in. I believe there was also television. I can't verify that for sure. And hold meetings and call people to them.

And we have reports from throughout the South that there were meetings that were held in churches, in town hall meetings, and they were told this is your 40 acres and a mule. You need to come and sign up for this. And this is what you have to attest to in order to get the $50,000 check. And if you have any debt, it will be forgiven.

Now, if you present that, if you have attorneys working on contingency fees, you have the perfect mechanism for fraud. And so as we look across the South, I can't believe that all of the counties discriminated against their African American population equally. I would have to believe that if discrimination took place—and I believe it did—that it took place sometimes in a county there would be none, because the culture of that office in that county would be such that everybody gets treated equally, with respect and promptly, with all the help that they can give with the staff that they have. I believe that takes place in at least some of the counties in the South. And I believe it has for a generation or more.

I suspect—and I don't have reason to believe, but I suspect—there were counties on the other side of that spectrum where they as a matter of practice discriminated against African Americans. And these are the cases that I believe needed to be compensated. But I can't believe that it was the same level of discrimination across all of these counties.

And when I see applications, and I have a stack of these applications, most of which were paid out, and they name the same USDA employee as the one they complained to, and they give the location and the date, and that USDA employee was not at that location, could not have been at locations as far apart as they were claimed, as many dates as were claimed. And why would it be that one USDA employee had all of these complaints and yet nothing was done about the discrimination? It's this, that they offered the name over and over again.

It's kind of like if you see an individual's name, and when you look through all these applications, and I have looked through stacks of them, when I look through them and I see often the same name of the USDA employee, I see the same handwriting on application after application, I can see the narrative has been changed just slightly from application to application. If they were numbered chronologically, I can just about tell you what's going on. There is an attorney's staff that is sitting there filling out these applications. They may actually be interviewing the individuals. The individuals had to sign because they were going to get the check. And the attorney's going to get a contingency fee out of that. And we don't know how much that is. And that's not in this opinion. It's not in the consent decree. But what is in there is that the IRS gets paid also as a matter of settlement.

□ 2000

So if it's a $50,000 virtually automatic payment, as Judge Friedman says, there is also a $12,500 check that accompanies that that gets mailed off to the IRS.

And so now it becomes $62,500. Judge Friedman estimated the average debt would be $100,000. And so the debt forgiveness at $100,000 would automatically send the check to the IRS for $25,000 to pay the tax liability that comes from the debt forgiveness that would become a tax liability for those individuals.

Those things went on. His estimate, $187,500 per settlement, believing that the applicants, or at least presuming to believe that the applicants for the Pigford settlement were applicants that actually were engaged in programs within the USDA. Now I can tell you whether we can get a decent insight into whether there are actual farming participants that are predominantly part of these Pigford settlements, the 14,500 that have received their first payments under the first version of Pigford I.

If we can go back and look at all the data, check their name, address, contact information, the amount of the check that they got, how much got sent to the IRS, how much debt forgiveness there was, how much got sent to the IRS. And we can look down through there, and we can see what percentage of them had debt with the USDA that was written off.

And then we can take a look at the addresses and see—some of those who have analyzed this more deeply than I would tell me that if you take out a map of the United States and start down through these applications and start sticking pins in the map at the addresses of the applications, you will find that many of these pins go directly into the inner cities and into the urban areas of America.

It's true that people can move from the farm to the city. They have been doing that for a long time. But the preponderance of the pins tell a story that doesn't appear to be consistent with the allegations of the depth and the level of fraud that they say are there.

I sat down with USDA employees. I have had these applications handed to me. I have had them come back sick at heart that they had to administer these settlements in Pigford farms and tell me that they believe that the minimum fraud level in the applications that they were required to provide a virtually automatic payment for, a minimum fraud being at 75 percent. I hear numbers from USDA employees that dealt with more application of this that go into the upper 90th percentile.

I want to look at these numbers and see. It's amazing to me that we can have 22,000 applicants, 14,500 settlements, payments that are made, and throughout all that time not have a single USDA employee that has been fired or disciplined or even identified as a perpetrator of discrimination. If we really care about ending discrimination in America—and we may have actually cleaned up the USDA, I don't allege that's the case today. In fact, I would argue that it wasn't nearly as

bad as they would like to have us believe.

And so if a discrimination took place, we should have been able to identify the perpetrators, and they should have been punished. And I think that it's irresponsible on the part of the secretaries of Agriculture, who have supported this Pigford settlement, to also say I can find not just 22,000 people that will apply; now we have applications and an additional 70,000 or so.

Now we are looking at applications in Pigford II of as many as 94,000 altogether, an additional 70,000 or so, 72,000 added to the 22,000 original claimants. And we end up with a total number of claimants of 94,000 who say that they were discriminated against. That's a really effective and efficient marketing result on the part of the attorneys that have been set up on these contingency fees and who are charged by the consent decree, the original consent decree, of holding these town hall meetings and getting the word out to African American farmers so they know if they have been discriminated against they can apply.

Again, no proof required that they were discriminated against. Early on they were required to prove that they were denied benefits compared to a similarly situated white farmer, and they complained that that was too hard. So they waived that similarly situated, and it turned out then there is no proof required that they ever farmed or applied for a program; they just have to say they wanted to farm, and that they believe they were or would have been discriminated against, and that they complained about it, and have their friends sign their affidavit.

That's what up: 94,000 applications all together. Perhaps a few less, but these are the estimates I am working with: 94,000 applications. John Boyd, President of the National Black Farmers Organization that has pushed on this and actually was formed for the purpose of bringing forth the Pigford Farms issue, testified before the Judiciary Committee that there are 18,000 black farmers in America, 18,000.

Now, granted there were more a generation earlier. There were more farmers a generation earlier. A lot of my neighbors went broke. I burned and buried a lot of farm sites across western Iowa in those years as the farm crisis went into its downward spiral, and there were people there that carried debt. There were people that were out of debt that took on debt in order to stay in business.

And as the downward spiral came, the value of their land went down, their machinery went down. The commodities prices weren't there for their crops, and bank after bank closed. And, in fact, my bank closed April 26, Friday afternoon, 3 o'clock, 1985. I will never forget that day.

I had a company to run, I had customers, most of whom were also customers of the bank that was closed—two branches shut down—a payroll to meet. I had 2 pennies in my pocket, literally 2 pennies to rub together, just almost a symbol of how hard it was. Rub those two pennies together and hope and wish and work and pray to figure out how I could meet payroll with my employees, keep the business running, find some customers that could pay because I had my customers, all their accounts were frozen like mine was frozen.

We found a way to get through. It was difficult. But I watched that crisis hit, not just the bank closing in my neighborhood, all across the Midwest, especially. I watched it crush people. I watched family farms move off and load their things and move to the city.

So some of those pins that get stuck in the city are pins of people that were on the land that had to move off in the farm crisis here. But my point is this: That thousands of farmers went broke during the farm crisis years of the 1980s. The entire decade of the 1980s—actually starting in 1979 and flowing through, were farm crisis years.

These are the primary years where they alleged discrimination against black farmers. And where it took place, it's hard to quantify because its laid over the top of the disaster of the farm crisis years of the entire decade of the 1980s. Many people went broke. Many people were denied farm program benefits and loan programs. There were many that were not viable, and the USDA concluded that they couldn't work with them because they were going to go under.

They were already upside down. And to put good money after bad was not a good decision, not when things were spiraling downwards.

I saw banks close, new owners come in. I saw them interview the people that would come in with their loan application form, their financial statements. And I saw them go down through the financial statements. I mean I was a part of this, and I engaged with my neighbors that were going through this as I was.

As they would look at the assets and they would say, let's see. You have got this nice new combine here. Well, you are going to sell it. And you have a pretty nice pickup that's 2 years old, we are going to sell it. And by the way all the livestock that's here, you know, it could die or get sick, but it's very liquid. It can go to the sale barn this week. We will sell all of that.

And you won't need that feed so you can auction off all that hay you have got there for the cattle that are in the feedlot, you can sell them. And you don't need the horse, and you don't need your best tractor. We can get you down to a small tractor, and you can hire somebody to come in and custom combine, and you can borrow your neighbor's planter, and we will keep you on some of this land. We will take the mortgage on it. We will take a first and a second mortgage on it, and we will keep you operating for a little while, but you are going to work for the bank.

Now I am not picking on the bank; that's what they had to do to keep some of these people alive and keep them functioning. That's part of the farm program, or that is part of the crisis. The farm program did come in, and it was helpful in 1983. It gave us another boost in 1985. It got us through that decade, and now we are relatively prosperous compared to those years.

But whatever color you were, if you were farming in the 1980s, you were having trouble. And a lot of people went under, there was farm sale after farm sale. I remember the bills hanging up, the sale bills hanging up in the gas stations around, in the sale barn, where there would be farm auctions.

You could go to farm auctions, several of them a weekend every weekend, and we did that for a long time, and it hurt a lot. And I saw tears run down people's cheeks because they were standing on the land that had been homesteaded by their ancestors, and they were losing it. And it was their identity. It's who they were.

So I know, I know from personal experience how painful this is to go through those years. And to completely discount that component of the economy and argue that a lot of African American farmers that went under in the 1980s would still be farming today if it hadn't been for the discrimination in the USDA offices, it denies the starkest facts of the economy altogether. But they can't be untangled; they are tangled together. It's impossible to quantify.

□ 2010

And so the leftists in the country have decided they're just going to pay everybody that applies. That's what Pigford I was. And there was a deadline. It was filed on April 14, 1999. So you get 6 months for everybody to sign up and go out and have all these meetings, do your fish fries, meet in the churches, advertise on the radio, in the newspaper, wherever you can, and hold all these town hall meetings. And they held them—42 of them in Alabama alone, 42 meetings. And people signed up. When the deadline came 6 months after that April 14 date, then they found they had things so ginned up there were a lot of other applicants.

So even though $1.05 billion was paid out under this Pigford discrimination claim, there were Members of the House and the Senate that introduced legislation to open up a second one, Pigford II. And they tried to do it, but they didn't get it done. This Congress wouldn't buy it. We had already seen the level of fraud in Pigford I, and to open it up again and extend the closing deadline for the consent decree so that all of these other applicants could come pouring in, this roughly 70,000, at least 66,000 that had accumulated, wasn't bought by this House and Senate in the same form. It bounced back and forth. It passed in a couple of versions on one side or the other, but this Congress never got together on

that, never got together on the authorization to extend the date.

We did get together on one thing, Mr. Speaker. We got together on the 2008 farm bill to address Pigford in a way that the House and the Senate agreed, and the President signed it. It was brought forward here on the floor, right over there from that microphone, by the chairman of the Agriculture Committee, COLLIN PETERSON, a late amendment of language that came into the bill, into the farm bill that we worked on for a long time. And it's a hard job to bring a farm bill through this Congress. And I'm sure that the weight of that weighed a little on the chairman and weighed on all of us, more on him than on anybody else. It had to have. But I argued with him at the time, the language in the farm bill authorizes $100 million to close the Pigford issue so that if there were any remaining claims that had not been resolved, they would be put underneath the $100 million amount, and they would all be resolved.

I argued, Mr. Chairman, you are opening up Pigford for an additional $1.3 billion in liabilities. And it's full of fraud. And I sat way into the night in a markup on the farm bill with a representative of the USDA who had lived this and went down through anecdote after anecdote, circumstance after circumstance, and convinced me completely that there's a very, very high level of fraud that was taking place. But yet the structure of this settlement was such that they couldn't look into the fraud because you didn't have to meet the standard of being discriminated against; you just had to say you believe you were discriminated against.

So we had our debate, Chairman PETERSON and I, outside the record of this Congress actually. I said it's $1.3 billion; this is a placeholder and a marker that opens up the door for $1.3 billion. He said, no, $100 million puts an end to it. And that's what we're doing. We're cleaning it up, and we're putting an end to Pigford. And I said, I don't think so. We went around on that dialogue which ended with him walking away. I don't know if I blame him for that.

But here is what's in the bill. He says the maximum amount, farm bill 2008, H.R. 2419, the total amount of payments and debt relief pursuant to actions commenced under subsection B shall not exceed $100 million. That's what the chairman said. And here is the intent, intent of Congress as to the remedial nature of the section. It is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits for each Pigford claim previously denied that determination.

In other words, if there are 66 or 70,000 applicants out there that didn't get in before Pigford closed in October of 1999, if those Johnny-come-latelies wanted to pour their applications into this, this Congress said, here is $100 million, that's it, it's going to take care of all the claims and no more; this is the end by law. This is the section that's cited by the current Secretary of Agriculture that he says gave him the authority at the direction of Congress, actually, acting at the direction of Congress to open up and create a Pigford II settlement where he, Secretary Vilsack and Attorney General Eric Holder sat down with John Boyd, the head of the black farmers organization, and they cooked up Pigford II, not authorized by the House and the Senate and the President as would be required if he's going to act in the fashion that he told me, in fact, not authorized at all, $100 million cap put on this Pigford I to put an end to it. By the way, I disagreed with $100 million. I thought we went too far with the first $1.05 billion.

But in any case, there exists no authorization that came from Congress and no legislation that was passed by the Congress and signed by the President that gave the authority to the Secretary of Agriculture and the Attorney General to sit down with the head of the black farmers organization and arrive at an agreement early last year in February that would tap the taxpayers for an additional $1.15 billion. But that's what they agreed to. They went on their own and had these negotiations.

Now, where would this inspiration have come from? If Congress said it's capped at $100 million, how would Cabinet members, full Cabinet members, come to a conclusion that they needed to go sit down with John Boyd and tap the taxpayers for an additional $1.15 billion? Where would this come from?

Well, Mr. Speaker, I will tell you where I think it may come from, and that would be from the President of the United States who, as a United States Senator, introduced the Pigford II language that opened up the filings for a second round of Pigford claims as the United States Senator, led by Barack Obama, and over on this side led by ARTUR DAVIS of Alabama and BOBBY SCOTT of Virginia.

They pushed that. They tried to push it through the Judiciary Committee. It didn't go. They slipped it into the farm bill at $100 million. They got their placeholder. Now I ask you, Mr. Speaker, who was right? Who was right? Was it Steve King or Tom Vilsack or was it Collin Peterson? Because we are here today lamenting what happened on the House floor yesterday, which was a vote to send $1.15 billion additional into this Pigford II settlement that I will tell you even though they have put some provisions in here still result in—still result in a virtually automatic payment to those claimants that will come. That's what will happen, Mr. Speaker.

And so the chairman of the Agriculture Committee that said this is the end of it at $100 million, who would he disagree with? Tom Vilsack or Steve King? I'm sure he remembers the conversation. I'm sure he remembers that I said it's 1.13 billion, and this is just a placeholder that opens it up, this $100 million is a placeholder that opens it up. We disagreed we had that conversation. One of us is going to be right.

Did he know when he brought the language to this floor that $100 million was going to turn out to be a placeholder for $1.25 billion? That's $100 million plus the $1.15 billion. Did he know that? Or was the chairman of the Agriculture Committee apparently was he misinformed by someone else? Did the President of the United States direct his Cabinet members to go negotiate and reach an agreement for an additional payout under Pigford II of $1.15 billion? Where would it come from? Would the Secretary of Agriculture take it upon himself if he could have ended this to open it up again? I don't think so. Would the Attorney General take it upon himself to open this up if it was ended by the farm bill of 2008? I don't think so.

I think the American people, Mr. Speaker, will suspect, as I do, that since the President was the initiator of this Pigford II legislation as a United States Senator, it was the President of the United States more likely to order his Cabinet members to go sit down and negotiate with the president of the black farmers organization and then try to figure out how to get Congress to fund it. Because the deal, the settlement proposal, and it's not a consent decree, a judge hasn't ruled upon it, a settlement proposal was something that was agreed to be contingent upon, conditional to Congress appropriating the funds to pay.

Well, last night Congress did that by a vote of 256–152. Now, if I were completely wrong on this—remember, this is a repudiated Congress. This is the lame duck Congress. This is the Congress that the American people have said enough already, shut it off. Take the shovel out of the President's hand; he's dug a deep enough hole. Stop your spending. We're going to send people to the Congress that will do the battle for fiscal responsibility and stop spending.

□ 2020

Those folks have not arrived yet, those 87 new freshmen Republicans who will be here taking the oath of office on this floor on January 4, 2011. They are not here yet, so we have the old troika ruling. We have the old troika ruling, and still, still we produced 152 ''no'' votes on this Pigford funding of $1.15 billion that came through here yesterday.

Mr. Speaker, I will tell you that I believe that all 152 who voted ''no'' on that either deeply suspect or are convinced that there was a significant amount of fraud in Pigford I, and that the fraud in Pigford II will be substantially greater than it was in Pigford I because those, at least in theory, who were most discriminated against are the ones most likely to have filed the

application in Pigford I in a timely fashion. Those who got the news late, once the inertia of the recruitment went on across the South, they are the ones who lined up a little later. It is kind of a chain letter effect.

There were 152 who voted ''no.'' It was a bipartisan objection to the funding of Pigford. It wasn't all Republicans this time. By Speaker PELOSI's definition, it would be clearly bipartisan. There were three Democrats who voted ''no.'' Those Democrats, I presume, were making a statement that they believed either that those who had been discriminated against had been compensated or were making a statement against the fraud that they must believe exists. I have not talked to them so I can't take a position as to what they believed and why they voted ''no.''

But it is curious to me that two of the three Democrats who voted ''no'' on Pigford were two that were defeated in the last election. So one can presume that they are votes of conscience that they put up on their way home from this Congress. I thank them for their service to this country. We have one that won his election who is seated from the South who also voted ''no.'' I would like to hear from him. He happens to be a Rhodes Scholar, a man with a brain and a conscience that voted ''no.''

So now it is up to us here in this upcoming Congress to take a look at these records, to go down and compile the spreadsheet and analyze the data and interview the people that were involved in administering this to get a real picture of what was going on. I am very well aware there are good, solid people who are responsible constitutional conservatives who don't want to touch this. I am very well aware of that, Mr. Speaker, but we have an obligation to the American people to shine a light on this. And I intend to move forward to do that within the limitation of the time and the resources and the cooperation I am able to get in the 112th Congress.

There has been a massive amount of fraud defined to me in the interviews I have done with USDA employees. To the extent, as I said, that African American employees of the Farm Service Administration who worked within the offices, presumably if they worked there, they would not allow themselves to be discriminated against. And if they never farmed and never filed an application but received a check anyway, it is pretty clear that there is levels of fraud that need to be exposed.

And so, Mr. Speaker, there is much to be said about Pigford II. It is not a consent decree. There is only an agreement that has been negotiated between Tom Vilsack and Eric Holder and John Boyd. They have negotiated that agreement. They have negotiated the amount. They have succeeded in getting it past the Senate after the Senate reached a point of exhaustion in fighting it. That is my reports from some of the Senators over there. They did pass it through the House after vociferous objections, 256 to 152, but with bipartisan objection; southern Democrats voting ''no,'' not urban but southern Democrats voting ''no.''

It is on its way and we are pretty sure the President will sign it because, after all, it has been his baby since he was in the United States Senate. It is really odd that a man from Chicago would take such an interest in an issue that he can't have personal experience with, not having personal experience that we know of in the rural areas.

And here we are, Mr. Speaker, anticipating the President will sign it. When he does, if and when he does, then I believe they will take it before the same judge that started out the Pigford I opinion with these words, ''40 acres and a mule,'' and laments that he can't fix all of the problems of slavery and segregation in one class action suit. Well, he has got a second one now. It is likely to come to him. I am pretty sure Judge Friedman will approve this. And I am really confident that the Secretary of Agriculture, and if you can get the Attorney General to speak, will say that they put all kinds of safeguards in here, safeguards like lawyers have to sign off. Yeah, well, they had to sign off on the first one, too, and that didn't really resolve this issue. It is just to the best of their knowledge they think it is true. That is not a very strong statement. There is no requirement for evidence. They did put some language in there that allows the administrators, if they think there is fraud, to ask more questions and require more documentation. Okay. But if they are instructed not to think there is fraud, they will not find fraud.

This administration does not think there is fraud or they would be looking for it. It is amazing to me—18,000 black farmers, 94,000 claims. Even if you presume that 100 percent of the black farmers were discriminated against, we still have four and a half claims for every black farmer. How does this work? It should be fraud. It can't be described any other way.

And the percentages of these claims, there is no question that comes out of this administration, out of the White House or the Department of Agriculture or the Attorney General's office. They are not saying we are looking into the fraud. They are saying, if it exists, it is so low it is really not an issue. But we are going to satisfy your concerns by having an IG report come out in 6 months. The money is gone. You won't be able to get it back.

If you want to learn something about how to protect against fraud in Pigford II, let's look at Pigford I. We already have the data. Let's dig into it. So what I think we have to do is dig into both. And we owe it to the American people not to be paying out 40 acres and a mule. You cannot right wrongs from a century and a half ago. But if they were righted, Abraham Lincoln told us how: For every drop of blood that was drawn by the lash be paid by a drop drawn by the sword. That's done. That is behind us. We have an American future. We can't be paying modern-day slavery reparations thinking we compensate what took place in the past. We have the future to worry about. Let's make sure everybody has equal opportunity and let's build for the future.

I see my friend, the gentleman from Texas, Judge GOHMERT has arrived. And when Judge GOHMERT comes to the floor, I know that there is some real important input that the American people need to know, and so I yield to the gentleman from Texas.

Mr. GOHMERT. My dear friend from Iowa has made some really important points. But it seems to be part of a pattern, what we have seen for the last 4 years, of the majority here in the House dividing America, playing class envy, trying to just really take—it is not Robin Hood, because Robin Hood took money back from people that stole it to give it back to the people who had actually generated the money. So I know there are some friends on the other side of the aisle who think that they are being a bit of Robin Hood, but they need to understand Robin Hood better. He didn't take from people who earned the money; he took from people who basically stole it and gave it back to people that generated it. And yet that is the kind of stuff we see going on.

There is so much fraud in Medicare and there is so much fraud, waste, and abuse in the government itself. And yet still we hear this class envy being trumpeted. I know my friend from Iowa agrees 100 percent with me, if anybody in America makes more money, they should pay more income tax. If you had a flat income tax, that would be the case. You do have people like the renowned Warren Buffett who says he should pay more taxes. Many people like him pay less money in income tax than somebody making $30,000, $40,000 because they have all kinds of great ways of getting around having to pay taxes.

But I just am so deeply grieved to my soul that this class envy that is being played up by people across the aisle to avoid helping the economy by giving some certainty to people who are wondering whether they will be able to afford to hire people right now when it comes January 1 because they know the capital gains rates are going up, every marginal rate is going up.

□ 2030

It is outrageous that we have played games for 2 years now—4 years under this majority—and we have done nothing to give certainty to employers so that people will not have to file suit to try to get a job. There will be jobs created because there is certainty out there.

Most people who know about job creation know the old saying: ''Capital is a coward. Capital goes to where it feels

safest.'' But to feel safe, investment money has to be placed where there is some certainty under the law. It is why it's not pouring into Mexico, because they don't know who is going to be in charge, who is going to be killed, who is going to be corrupted.

So all that the community is needing to know is: Is there going to be some certainty? Are our taxes going to go through the roof come January 1 as they are currently scheduled to do?

The fact that this majority would play this kind of gamesmanship and class warfare when people are out of work—they need jobs, and they want to have a Merry Christmas. There would be no better Christmas than to have a job for Christmas, but we've got this tremendously high rate of unemployment, particularly when you figure those who are underemployed. Yet this majority, even now in December, is still not willing to just say across the board that we're going to not create tax cuts—that's not even out there—but just extend the current tax rate and say we're not going to play class warfare. Of course the people who make more money should pay more money in taxes. That's why their rate is 35 percent instead of 15 percent or 10 percent at the lowest rate.

So it just grieves me. I know people who are out of work, and I know there are businesspeople I've talked to who say, I've got to find out what my taxes are going to be, what the tax rate will be for next year, because if it's going up, I can't hire anybody. If it's going to stay where it is, I can hire some people.

Now, that's a Merry Christmas when you give people a job. You limit all the bogus class warfare going on in this body, and just say, Forget the games. This is too serious. We are playing with people's lives. We are tired with the gamesmanship about how we can squeeze more money out of the Federal Government. Forget the Federal Government. Just get out of the way so that we can create jobs in America and put people back to work.

Still, unless my friend from Iowa knows differently, as far as I know, we're not taking it up, as we didn't on Monday. We congratulated some people. We, I think, named a post office, and we did a bunch of stuff yesterday—nothing, you know, breathtaking. With the Child Nutrition Act, we're going to run up the Federal Government costs.

Why not give these people an opportunity to have a job so they can pay for their own nutrition?

As far as I know, the tax extension, at the current rate across the board, is not coming up tomorrow. It may not come up Friday. We don't know when it's coming up.

So, anyway, I have been grieved to my soul as I think about the people I know who don't have jobs and about the people I know who would hire people if they knew that the tax rates were not going up. I just had to point it out one more time to our friends across the aisle. Please don't leave another day leaving the tax rates in limbo. Give some certainty. Allow jobs to be created that are not government jobs.

Perhaps you know when this is going to come up.

Mr. KING of Iowa. Reclaiming my time and thanking the gentleman from Texas, also my friend, I appreciate the subject matter that you brought here to the floor tonight.

I would add to this: not only do we need to continue the tax rates that we have today, but I would make them permanent so there is certainty, so that people can do the investments that Mr. GOHMERT talked about and will be able to plan their businesses and create the jobs and plan for the future.

But there is another one that hangs over the head of many families in America today, and that is the estate tax. That one is the most ominous of them all. If we aren't able to reach an agreement on these tax brackets by the end of this lame duck session and if we are just in the condition that we are in today in that there is no certainty and where the $1 trillion or $2 trillion of capital that is sitting on the sidelines doesn't get released and invested into our economy, that's bad. We've already seen a lot of months of it, so another month of it doesn't devastate us completely, although it would be a great Christmas present.

I know people would be sitting around the family shop, figuring out, We can add onto this production line. Let's hire this person here. Let's make this part of our operation go. Let's open up a new business over here.

These things would be going on. That would all happen if we could get these tax brackets made permanent between now and the end of this wounded, crippled lame duck session that we have of this repudiated Congress that has been renounced by the American people.

Another month of it isn't as bad as what happens if we go another month with the estate tax hanging over our heads the way it is, because I will tell you that what will happen is there will be thousands of Americans who are lying on their death beds—some in hospices around the country, some in hospital beds, some of them lying at home—and there will be decisions made by them and their families.

Somebody who is lying there, who has got some years on him and a lot of life behind him, knowing he doesn't have much ahead of him, will say, Don't put me on life support. Don't give me any life-saving treatment. Let me pass away in 2010 because, if that happens, then you'll get the full inheritance of my life's work.

That's what he will say. He'll make that decision.

He'll tell his loved ones, Don't extend my life. Don't give me extra ways to feed me. Don't give me IVs. Let me lie here. Put me in hospice now, and let me slowly die.

That's what will be said over and over again.

There will be those who will go further. There will be those who will decide they want to end their lives so that their children don't have to pay an onerous estate tax that will have, as of midnight on December 31, a $1 million exemption. After that, there will be an up to 55 percent tax on the balance.

I can tell you, Mr. Speaker, how that works in the neighborhood where I live. Let's just say there is somebody there who is 90 years old, and he went out and bought some land early on in life, and he leveraged it and bought another piece of land. He slowly paid for that, and ended up with a couple sections of land paid for. That's 2 square miles. That's 640 acres times two. That's 1,280 acres paid for. That's the nest egg that he worked all his life for. Maybe he worked 70 or more years to put that together. He paid the tax on the income, and retired the principal and paid the interest, and there it sits for his children. Maybe he has got five children there around that death bed.

If he passes away in the first second of 2011—by the way, there will be death certificates that are backdated, too. They'll be back-timed, probably not backdated. They'll be back-timed past midnight so the estate tax won't apply. But let's just say there are two sections of land, five kids. He passes away in the first second of 2011, and the death certificate says so. Here is what happens to those two sections of land:

The $1 million exemption doesn't really touch the value of those two good valuable sections of land, so you can take one section out of there. There's the 55 percent tax to pay the taxman, to pay the death tax. It takes one whole section of land, 1 square mile, to pay the Federal Government. The second component of that is the section of land that is split up five ways because of the five kids.

So what they have is actually two sections of land—one that is essentially debt free because the other one has gone to pay the taxes, and it gets split five ways. Everyone has got 20 percent equity. They can't buy that land back and keep it in tact. It takes a long time to put a unit together, to put the building site together, to get the storage that's there for the grain and the livestock and all the pieces to work. It doesn't just work to go out there and say, Well, here's another piece of land that's the same or you can operate an operation that's half the size with only 20 percent equity. So it wipes out both sections of land. They sell out the whole legacy. A century of work or more goes out the window because we have a death tax that comes. The bell tolls on the death tax at midnight, December 31.

It is cruel, unconscionable and, I think, a sin for this Congress not to address that before that time.

So, Mr. Speaker, being very well aware of the clock and the duties that we all have here, I want to thank my friend from Texas for coming to the

floor and for volunteering that valuable input that we have.

I appreciate your indulgence here this evening and the privilege to address you on the floor of the House of Representatives.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MCMORRIS RODGERS (at the request of Mr. BOEHNER) for today and the balance of the week on account of the birth of her baby girl born December 1 at 12:21 a.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CARNAHAN) to revise and extend their remarks and include extraneous material:)

Mr. YARMUTH, for 5 minutes, today.

Mr. KLEIN of Florida, for 5 minutes, today.

Ms. RICHARDSON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON LEE of Texas, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mrs. SCHMIDT) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, December 8.

Mr. JONES, for 5 minutes, December 8.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. LARSON of Connecticut, for 5 minutes, today.

Mr. CLAY, for 5 minutes, today.

Mr. REYES, for 5 minutes, today.

Mr. CARNAHAN, for 5 minutes, today.

Mr. GARAMENDI, for 5 minutes, today.

Mrs. DAVIS of California, for 5 minutes, today.

Ms. SHEA-PORTER, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. CLEAVER, for 5 minutes, today.

Ms. LORETTA SANCHEZ of California, for 5 minutes, today.

Mr. TAYLOR, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3386. An act to protect consumers from certain aggressive sales tactics on the Internet, to the Committee on Energy and Commerce.

S. 3987. An act to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors to the Committee on Financial Services.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the speaker:

H.R. 6162. An act to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items.

H.R. 6166. An act to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Thursday, December 2, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 6184, To amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, for other purposes, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6184, A BILL TO AMEND THE WATER RESOURCES DEVELOPMENT ACT OF 2000 TO EXTEND AND MODIFY THE PROGRAM ALLOWING THE SECRETARY OF THE ARMY TO ACCEPT AND EXPEND FUNDS CONTRIBUTED BY NON-FEDEAL PUBLIC ENTITIES TO EXPEDITE THE EVALUATION OF PERMITS, AND FOR OTHER PURPOSES, AS TRANSMITTED WITH AN AMENDMENT TO CBO ON NOVEMBER 9, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
NET INCREASE OR DECREASE (—) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 6184, as amended, would extend through 2016 the authority of the Corps to collect and spend funds contributed by private firms to expedite the evaluation of permit applications. Because the legislation would affect direct spending, pay-as-you-go procedures apply. However, based on information from the Corps, CBO estimates that amounts collected and spent for such purposes would total less than $500,000 annually and that the net budgetary impact would be negligible.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10530. A letter from the Chair, Election Assistance Commission, transmitting a letter in response to a report by the Government Accountability Office regarding the Antideficiency Act; to the Committee on Appropriations.

10531. A letter from the Under Secretary, Department of Defense, transmitting authorization of Brigader General Byron C. Hepburn, United States Air Force, to wear the authorized insignia of the grade of major general; to the Committee on Armed Services.

10532. A letter from the Under Secretary, Department of Defense, transmitting authorization of Captian Scott P. Moore, United States Navy, to wear the authorized insignia of the grade of rear Admiral (lower half); to the Committee on Armed Services.

10533. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Safety of Facilities, Infrastructure, and Equipment for Military Operations (DFARS Case 2009-D029) (RIN: 0750-AG73) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10534. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement (DFARS); Continuation of Essential Contractor Services (DFARS Case 2009-D017) (RIN: 0750-AG52) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10535. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Continuation of Current Contracts-Deletion of Redundant Text (DFARS Case 2010-D016) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10536. A letter from the Chairman, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

10537. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID:

FEMA-2010-0003] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10538. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10539. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2010-0003] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10540. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-8151] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10541. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2010-0003] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10542. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Definitions for Regulations Affecting All Savings Associations; Money Market Deposit Accounts [Docket ID: OTS-2010-0011] (RIN: 1550-AC40) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10543. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Republic of Columbia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10544. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Switzerland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10545. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Spain pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10546. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to South Africa pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10547. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Indexed Annuities [Release No.: 33-9152; File No. S7-14-08] (RIN: 3235-AK16) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10548. A letter from the Special Inspector General For The Troubled Asset Relief Program, transmitting the Office's quarterly report on the actions undertaken by the Department of the Treasury under the Troubled Asset Relief Program, the activities of SIGTARP, and SIGTARP'S recommendations with respect to operations of TARP, for the period ending September 30, 2010; to the Committee on Financial Services.

10549. A letter from the Secretary, Department of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2010, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and Labor.

10550. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Report to Congress on the Impact and Effectiveness of Administration for Native Americans (ANA) Projects for Fiscal Year 2009''; to the Committee on Education and Labor.

10551. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Report to Congress on Fiscal Year 2006 Community Services Block Grant Discretionary Activities: Community Economic Development and Rural Community Facilities Community Development, pursuant to Section 680(c) of the Community Services Block Grant Act of 1981 as amended; to the Committee on Education and Labor.

10552. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Investigational New Drug Safety Reporting Requirements for Human Drug and Biological Products and Safety Reporting Requirements for Bioavailability and Bioequivalence Studies in Humans [Docket No.: FDA-2000-N-0108] (formerly Docket No.: 00N-1484) (RIN: 0910-AG13) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10553. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Use of Ozone-Depleting Substances; Removal of Essential-Use Designation (Flunisolide, etc.); Correction [Docket No.: FDA-2006-N-0304] (formerly Docket No.: 2006N-0262) (RIN: 0910-AF93) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10554. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — ''Guidance on the Planning and Use of Special Accounts Funds'' received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10555. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1-Propene, 2,3,3,3-tetrafluoro-; Significant New Use Rule [EPA-HQ-OPPT-2008-0918; FRL-8846-8] (RIN: 2070-AB27) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10556. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Promoting a Competitive Market for Capacity Reassignment [Docket No. RM10-22-000; Order No. 739] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10557. A letter from the Regulations Coordinator, Health and Human Services, transmitting the Department's ''Major'' final rule — Health Insurance Issuers Implementing Medical Loss Ratio (MLR) Requirements under the Patient Protection and Affordable Care Act (RIN: 0950-AA06) received November 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10558. A letter from the Secretary, Department of Commerce, transmitting letter of certification, pursuant to Public Law 105-261, section 1512; to the Committee on Foreign Affairs.

10559. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Additions to the List of Validated End-Users in the People's Republic of China: Hunix Semiconductor China Ltd., Hunix Semiconductor (Wuxi) Ltd. and Lam Research Corporation [Docket No.: 100727314-0350-01] (RIN: 0694-AE95) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

10560. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

10561. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's annual report for 2009 on United States Participation in the United Nations, pursuant to Public Law 79-264, section 4(a); to the Committee on Foreign Affairs.

10562. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting correspondence from the Speaker of the Bangladesh Parliament; to the Committee on Foreign Affairs.

10563. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Foreign Affairs.

10564. A letter from the Secretary, Department of Transportation, transmitting agency financial report for fiscal year 2010; to the Committee on Oversight and Government Reform.

10565. A letter from the Chairman, Federal Reserve System, transmitting the System's Semiannual Report to Congress for the six-month period ending September 30, 2010, as required by the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

10566. A letter from the Acting Treasurer, National Gallery of Art, transmitting an FY 2010 annual report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

10567. A letter from the Acting Director, Office of Management and Budget, transmitting a report entitled, ''Statistical Programs of the United States Government: Fiscal Year 2011'', pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Oversight and Government Reform.

10568. A letter from the Librarian, Library of Congress, transmitting the Annual Report of the Library of Congress, for the fiscal year 2009, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

10569. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Black Sea Bass Fishery; 2010 Black Sea Bass Specifications; Emergency Rule Extension; Correction [Docket No.: 100120036-0360-02] (RIN: 0648-XT99) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10570. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ending December 31, 2009, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

10571. A letter from the Assistant Attorney General, Department of Justice, transmitting a report concerning the practices and policies of agencies with the Department relating to the use of physical restraints on female prisoners during pregnacy; to the Committee on the Judiciary.

10572. A letter from the Assistant Attorney General, Department of Justice, transmitting the annual report of the Office of Justice Programs for Fiscal Year 2009, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

10573. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Roanoke River, Plymouth, NC [Docket No.: USCG-2010-0756] (RIN: 1625-AA08) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10574. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; U.S. Coast Guard BSU Seattle, Pier 36, Seattle, WA [Docket No.: USCG-2010-0021] (RIN: 1625-AA87) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10575. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Passaic River, Clifton, NJ [Docket No.: USCG-2010] (RIN: 1625-AA09) recieved October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10576. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Taunton River, Fall River and Somerset, MA [Docket No.: USCG-2010-0234] (RIN: 1625-AA09) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10577. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Flugtag, Delaware River, Camden, NJ [Docket No.: USCG-2010-0728] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10578. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mississippi River, Mile 427.3 to 427.5 [Docket No.: USCG-2010-0703] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10579. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; DEEPWATER HORIZON at Missisippi Canyon 252 Outer Continental Shelf MODU in the Gulf of Mexico [Docket No.: USCG-2010-0448] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10580. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Olympia Harbor Days Tug Boat Races, Budd Inlet, WA [Docket No.: USCG-2010-0799] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10581. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, St. Mary's River, St. Inigoes, MD [Docket No.: USCG-2010-0719] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10582. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation and Establishment of Class E Airspace; St. George, UT [Docket No.: FAA-2010-0660; Airspace Docket No. 10-ANM-4] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10583. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — Miscellaneous Amendments to the Federal Railroad Administraton's Accident/Incident Reporting Requirements [Docket No.: FRA-2006-26173; Notice No. 3] (RIN: 2130-AB82) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10584. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 2009 annual report on the operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act; jointly to the Committees on Foreign Affairs and Agriculture.

10585. A letter from the Administrator, Environmental Protection Agency, transmitting the agency's 2006-2007 Biennial Review of the Louisiana Coastal Wetlands Conservation Plan Report to Congress; jointly to the Committees on Natural Resources and Transportation and Infrastructure.

10586. A letter from the Assistant Attorney General, Department of Justice, transmitting fourth quarterly report of FY 2010 on Uniformed Services Employment and Reemployment Rights Act of 1994; jointly to the Committees on the Judiciary and Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 3245. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act regarding penalties for cocaine offenses, and for other purposes (Rept. 111–670, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1745. Resolution providing for consideration of the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, and providing for consideration of motions to suspend the rules (Rept. 111–671). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Energy and Commerce discharged from further consideration. H.R. 3245 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CROWLEY:

H.R. 6463. A bill to require the Federal Communications Commission to promulgate regulations requiring a label to be displayed on the packaging of certain baby monitors to warn that the signals of such monitors may be intercepted by potential intruders; to the Committee on Energy and Commerce.

By Mr. OBERSTAR:

H.R. 6464. A bill to amend the Federal Fire Prevention and Control Act of 1974 to make fire department grant funds available for fire station construction, to reauthorize the firefighter assistance program, and for other purposes; to the Committee on Science and Technology.

By Mr. BOREN:

H.R. 6465. A bill to amend the Water Resources Development Act of 1986 to clarify the role of the Cherokee Nation of Oklahoma with regard to the maintenance of the W.D. Mayo Lock and Dam in Oklahoma; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas (for herself, Mr. GARAMENDI, Mr. COURTNEY, Ms. HIRONO, Mr. JOHNSON of Georgia, Mr. KILDEE, Mr. BOCCIERI, Ms. CLARKE, and Mr. CROWLEY):

H.R. 6466. A bill to amend title 38, United States Code, to provide certain abused dependents of veterans with health care; to the Committee on Veterans' Affairs.

By Mr. LEVIN:

H.R. 6467. A bill to amend the Internal Revenue Code of 1986 to provide middle class tax relief, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON (for himself, Mr. AL GREEN of Texas, Ms. EDWARDS of Maryland, Mr. HIMES, and Mr. CLEAVER):

H.R. 6468. A bill to authorize the Secretary of Housing and Urban Development to initiate a voluntary multi-year effort to transform properties with rental assistance contracts under various programs into properties with long-term, property-based, sustainable rental assistance contracts that include flexibility to address capital requirements, to enhance resident choice, and to streamline and simplify the administration of rental assistance; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California:

H.R. 6469. A bill to amend section 17 of the Richard B. Russell National School Lunch Act to include a condition of receipt of funds under the child and adult care food program; to the Committee on Education and Labor.

By Mr. FALEOMAVAEGA (for himself, Mr. ACKERMAN, Ms. BORDALLO, and Mr. SABLAN):

H.R. 6470. A bill for the relief of the peoples of Bikini, Enewetak, Rongelap, and Utrik,

and of other citizens of the Republic of the Marshall Islands; to the Committee on the Judiciary.

By Mr. LAMBORN (for himself, Mr. PRICE of Georgia, Mr. BARTLETT, and Mr. FRANKS of Arizona):

H.R. 6471. A bill to require the Director of National Intelligence to submit a report on the foreign development of electromagnetic pulse weapons; to the Committee on Intelligence (Permanent Select).

By Mr. SHULER:

H.R. 6472. A bill to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes; to the Committee on Homeland Security.

By Ms. LEE of California (for herself, Ms. EDWARDS of Maryland, Mr. RUSH, Mr. GRIJALVA, Ms. BORDALLO, Mr. FRANK of Massachusetts, Mr. HINCHEY, Ms. NORTON, Ms. SPEIER, Mr. DEUTCH, Mr. STARK, Ms. WOOLSEY, Mr. RANGEL, Mr. JOHNSON of Georgia, Ms. BALDWIN, Mr. POLIS, Ms. MCCOLLUM, Ms. DELAURO, Mr. COHEN, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. CONYERS, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Mr. PAYNE, and Mr. ELLISON):

H. Con. Res. 333. Concurrent resolution supporting the goals and ideals of World AIDS Day; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MITCHELL (for himself and Mrs. SCHMIDT):

H. Res. 1743. A resolution congratulating Gerda Weissmann Klein on being selected to receive the Presidential Medal of Freedom; to the Committee on Oversight and Government Reform.

By Mr. FALEOMAVAEGA (for himself, Mr. ACKERMAN, Ms. BORDALLO, and Mr. SABLAN):

H. Res. 1744. A resolution referring the bill (H.R. 6470) entitled ''A bill for the relief of the peoples of Bikini, Enewetak, Rongelap, and Utrik, and of other affected citizens of the Republic of the Marshall Islands'' to the chief judge of the United States Court of Federal Claims; to the Committee on the Judiciary.

By Mr. ISRAEL:

H. Res. 1746. A resolution recognizing and supporting the efforts of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans' Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from PTSD and related psychiatric disorders; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERLMUTTER (for himself, Mr. COFFMAN of Colorado, Ms. DEGETTE, Mr. LAMBORN, Ms. MARKEY of Colorado, Mr. POLIS, and Mr. SALAZAR):

H. Res. 1747. A resolution congratulating the Colorado Rapids soccer club for winning the 2010 Major League Soccer Championship; to the Committee on Oversight and Government Reform.

By Mr. SENSENBRENNER (for himself, Mr. DELAHUNT, and Mr. MORAN of Virginia):

H. Res. 1748. A resolution expressing the sense of the House of Representatives that the United States should initiate negotiations to enter into a bilateral free trade agreement with Turkey; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 868: Mr. MARKEY of Massachusetts.
H.R. 891: Mr. TOWNS.
H.R. 1193: Mr. TIERNEY.
H.R. 1205: Mr. SKELTON, Mr. INSLEE, and Mr. DENT.
H.R. 1501: Mr. GRAYSON.
H.R. 1502: Mr. GRAYSON.
H.R. 1549: Mr. SCOTT of Virginia, Mr. DICKS, and Mr. PASTOR of Arizona.
H.R. 1806: Mr. DOYLE and Ms. DELAURO.
H.R. 1809: Mr. GRAYSON.
H.R. 1958: Mr. GRAYSON.
H.R. 2030: Mrs. HALVORSON.
H.R. 2112: Mr. DAVIS of Kentucky.
H.R. 3039: Mr. CROWLEY.
H.R. 3303: Mr. COHEN.
H.R. 3578: Ms. MOORE of Wisconsin.
H.R. 4278: Mrs. CAPPS, Mr. TONKO, and Mr. HASTINGS of Florida.
H.R. 4322: Mr. WOLF and Mr. COBLE.
H.R. 4668: Mr. GRAYSON.
H.R. 4669: Mr. GRAYSON.
H.R. 5308: Mr. AUSTRIA.
H.R. 5400: Mr. BOREN.
H.R. 5510: Ms. SUTTON.
H.R. 5643: Mr. BERMAN.
H.R. 5847: Mr. ROTHMAN of New Jersey.
H.R. 5928: Mr. BOREN.
H.R. 6017: Mrs. CHRISTENSEN.
H.R. 6045: Ms. ZOE LOFGREN of California.
H.R. 6128: Mr. COHEN and Mr. MOORE of Kansas.
H.R. 6214: Mr. TOWNS.
H.R. 6240: Mr. BOREN.
H.R. 6340: Mr. SERRANO, Mr. HASTINGS of Florida, and Mr. NADLER of New York.
H.R. 6365: Mr. WOLF.
H.R. 6406: Mr. MCCLINTOCK, Mrs. LUMMIS, Mr. WILSON of South Carolina, Mr. BARTLETT, and Mr. LAMBORN.
H.R. 6415: Mr. BROUN of Georgia, Mr. LAMBORN, Mrs. LUMMIS, Mr. WILSON of South Carolina, Mr. BARTLETT, Mr. POSEY, Mr. SHIMKUS, and Mr. COFFMAN of Colorado.
H.R. 6418: Mr. SMITH of Nebraska and Mr. WALZ.
H.R. 6458: Mr. QUIGLEY.
H. Con. Res. 323: Ms. SCHWARTZ and Mr. BISHOP of Georgia.
H. Con. Res. 331: Mr. BACA, Mr. ACKERMAN, Mr. DEUTCH, and Mr. MARKEY of Massachusetts.
H. Res. 1444: Mr. BURGESS, Mr. PRICE of North Carolina, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Mr. CONNOLLY of Virginia, Mr. CASTLE, Mr. WOLF, Mr. ACKERMAN, and Mr. MAFFEI.
H. Res. 1670: Ms. SPEIER.
H. Res. 1687: Mr. SCHOCK.
H. Res. 1705: Mr. CAPUANO.
H. Res. 1717: Mr. FORBES, Mr. ROYCE, Mr. JORDAN of Ohio, Mr. MACK, Mr. Fortenberry, Mr. AKIN, Mr. BOOZMAN, Mr. FRELINGHUYSEN, Ms. GRANGER, Mr. FLAKE, Mr. SIRES, Mr. KLEIN of Florida, Mr. FATTAH, Mr. SAM JOHNSON of Texas, Mr. WAMP, Mr. ADERHOLT, Mr. CAO, and Mr. ENGEL.
H. Res. 1725: Mr. CAO, Mr. AKIN, Mr. WAMP, Mr. KLEIN of Florida, Mr. SIRES, Mr. ADERHOLT, Mr. ROYCE, Mr. SAM JOHNSON of Texas, and Mr. FORBES.
H. Res. 1727: Mr. BRADY of Texas, Mr. PAUL, and Mr. WITTMAN.
H. Res. 1732: Mr. LATOURETTE, Mr. INGLIS, Mr. BARTLETT, Mrs. MYRICK, Mr. WOLF, and Mr. WILSON of South Carolina.
H. Res. 1734: Mr. NADLER of New York, Mr. KING of New York, Mr. DEUTCH, Mr. ROTHMAN of New Jersey, and Mr. COSTA.